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ABSTRACT

This publication contains the edited text of the proceedings of the September 1976 Conference on Education for Georgia Legislators. Addresses by 20 experts from Georgia and around the country are presented. The proceedings are intended to help legislators, educators, parents, and others interested in deeper insight into the issues of educational accountability, school finance, school disruption, and collective bargaining. Five participants addressed issues surrounding educational accountability, focusing on outcomes of current accountability attempts, performance-based teacher certification, accountability attempts in Florida and North Carolina, and statewide testing in Georgia. Five speakers discussed school finance, including its politics, the role of the federal government and the courts, and school finance in Florida. One participant discussed the recommendations made by the Florida Citizens' Committee on Education, while another dealt with the more general topic of what parents expect from schools. Five experts on dealing with school disruption focused on this topic, making comments on discipline policies in Florida and Atlanta, Georgia, and school suspension policies in both conventional and alternative schools. Those speakers who addressed collective bargaining concentrated principally on teachers' bargaining rights and right to strike and California's new teacher collective bargaining law. (Author/JM)

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CRITICAL ISSUES IN EDUCATION

edited by
Ruth W. Woodling

INSTITUTE OF GOVERNMENT
UNIVERSITY OF GEORGIA

EA 011 243

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TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC) AND USERS OF THE ERIC SYSTEM."

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FOREWORD

In September 1976, the University of Georgia Institute of Government, the Office of the Speaker of the Georgia House of Representatives, and the Office of the Lieutenant Governor of Georgia sponsored a Conference on Education for Georgia Legislators held at the Georgia Center for Continuing Education. At the conference, more than twenty experts from Georgia and around the county addressed four topics—educational accountability, school finance, school disruption, and collective bargaining for teachers. This publication contains the edited text of the conference proceedings.

We hope that these proceedings will help legislators, educators, concerned parents, and others interested in education develop a better understanding of and deeper insight into these vital issues.

Ruth W. Woodling, an attorney in the legislative research division of the Institute, had the primary responsibility for planning and coordinating the conference and editing the proceedings. She was assisted in the planning by several members of the Georgia General Assembly who were selected by the Speaker and Lieutenant Governor.

Ann Blum and Lois Player edited and supervised production of this volume. Proofreading assistance was provided by Elinid Apostolik and Ruth Carpenter. Reid McCallister was responsible for the layout and cover design. Debra Peters was the compositor.

Delmer D. Dunn
Director
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CONTENTS

iii Foreword

ix Contributors

1 EDUCATIONAL ACCOUNTABILITY

2 Educational Accountability: Does It Work?
James W. Guthrie

10 Florida's Accountability System
Augustus B. Turnbull III

15 Educational Accountability in North Carolina
Jerome Melton

19 Statewide Testing in Georgia
Paul Vail

22 Performance-Based Teacher Certification
Joseph A. Murphy

26 Questions and Answers

35 SCHOOL FINANCE

36 The Politics of School Finance Reform
Donna E. Shalala

45 School Finance in Florida
Robert T. Mann

48 Can Schools Make a Difference?
Anita A. Summers

55 The Federal Role in School Finance Reform
Thomas R. Jolly

59 The Courts and School Finance Reform
Michael W. LaMorte

62 Questions and Answers

71 PUBLIC PERCEPTIONS

72 The Florida Citizens' Committee on Education: Recommendations
Frederick H. Schultz

79 What Parents Expect from Schools
Lillie E. Herndon

83 SCHOOL DISRUPTION

84 Dealing with School Disruption
Michael L. Marvin

91 Florida's Task Force on School Disruption
Stephen A. Rollin

97 Developing a Disciplinary Policy for the Atlanta Public Schools

Evelyn C. Turner

101 School Suspensions: Do They Make Sense?

M. Hayes Mizell

106 The Alternative School: An Approach to Suspension

David A. Perdue

110 Questions and Answers

113 **COLLECTIVE BARGAINING**

114 Collective Bargaining and the Right to Strike for Teachers

Michael Y. Nunnery

121 Teachers' Bargaining Rights in Georgia

Matt Shade

125 California's New Collective Bargaining Law for Teachers

Gerald C. Hayward

127 Questions and Answers

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EDUCATIONAL ACCOUNTABILITY

EDUCATIONAL ACCOUNTABILITY: DOES IT WORK?

JAMES W. GUTHRIE

An experienced truck driver reported to a state department of motor vehicles for an oral interview for a chauffeur's license. The examiner said to the truck driver, "Sir, I'd like you to imagine yourself in these circumstances. You are driving your tractor-trailer rig up a winding, narrow mountain road. On your right is a very steep cliff going up hundreds of feet, and on the left is a very sharp drop going down many thousands of feet. As you come up over the crest of the hill, you note a truck of similar proportions headed directly at you. In between is a small Volkswagen trying to pass. Now, sir, if that happened to you, what would you do?"

The truck driver thought about it and finally said, "You know, I always drive a tractor-trailer rig with a sleeper cab. When I'm driving, my partner Joe is asleep in the back. So if this happened to me, I'd turn around and I'd wake up Joe."

The examiner said,"Well, that's an inadequate answer. I can't pass you. However, I note that you have driven for a long time, and I'd like to give you another chance. Would you think about that some more? Maybe you don't understand the question." The examiner repeated the question, but the truck driver gave the same answer.

Exasperated, the examiner said, "Well, I can't do anything more for you. You have failed. But I would like to know why you are so persistent in giving this incredible response."

The truck driver said, "Well, you know, Joe and I have been driving together for about twenty-five years, and the reason I'd turn around and wake him up is he ain't never seen a wreck before like the one we're gonna have."

Now if I were clever, I'd make some sort of transition and tell you that American education is headed for some kind of wreck the likes of which none of us has ever seen before. But, frankly, I don't believe that. What I do believe is that American education is badly in need of a number of serious reforms—reforms which will not come from professional educators. Of that I am convinced. These reforms are going to call for intervention on the part of those people who represent the public's interest most widely, and in most instances those are going to be the state's elected officials.

I strongly believe that one of the reforms needed is a better system of educational accountability than presently exists. I believe with equal fervor that most of the steps that have been taken toward constructing accountability systems in most states are in the wrong direction, will not be effective over the long run, and, perhaps even worse, are potentially very damaging. They not only will fail to assure the public that it is getting its money's worth, but they may help destroy existing good.

These views are not universally held by educators, and I may be criticized for what I am about to say. But it is understandable that you and your constituents would really like to know what you are getting for your money in the public school system.

This nation presently spends somewhere between 80 and 90 billion dollars a year for its elementary and secondary public school systems. That typically represents 6 to 7 percent of our gross national product. Occasionally you hear comments that the United States spends more for alcohol or cosmetics than it spends on its schools, or you hear people say, "You don't really treasure your schools." That is just humbug. There are few other developed nations–in fact, there are no other developed nations–which spend as much on the schooling of their youngsters as does this nation. No other nation in the world has made the commitment to public schooling that we have. There are a few small nations that spend a larger proportion of their gross national product on schooling, but the base from which they start is much smaller than ours. The United States spends a dramatic amount of money on education in an absolute sense, as well as in a relative sense.

The United States today has an average expenditure per pupil of approximately $1,300. Georgia spends somewhat less than that. In 1940 the annual expenditure per pupil in this nation was $100. In thirty-six years we have increased it twelve-or thirteenfold. Certainly, today's dollar is not worth what it was thirty-five years ago; nevertheless, discounting for inflation, expenditures have increased five-to six-fold over the last thirty-five years–a tremendous growth in the public resources allocated to this endeavor.

What is not clear is whether public school systems are doing better as a consequence. In defense of the schools, it is true that we expect more of them today than ever before. Nevertheless, over the last decade the evidence has been becoming rather dramatic that on those things that we do measure, schools appear to be doing worse than they were a decade ago.

Now, into this situation one must stir a set of judicial and legislative reforms that may force educational expenditures even higher. The California court case, *Serrano v. Priest,* which relies on an equal protection argument, is seen by many as the beginning of judicial reform in this area. And the California Supreme Court has reaffirmed a series of lower court decisions which will make it necessary for California to spend even more money to level up expenditures so there is greater equality of expenditure throughout the state.

Other states, such as New Jersey, have had comparable court decisions. Elsewhere, the influence of such court cases frequently creates pressure for legislative reform. To acquire greater equity, it is almost always necessary to level up expenditures. It is very difficult, for obvious reasons, to level anybody down.

Collective bargaining is another increasing reality. It places awesome power in the hands of educational professionals at the local and state level, and that argues for nothing more than increased expenditures.

So the question becomes increasingly dramatic: How, when faced with the necessity of spending more, do you guarantee you get more, that is, that you increase school productivity? These pressures to spend more are not new; they have been building for approximately a decade.

The difficulty is that the technical-industrial accountability model–the PPBS format–carries with it four assumptions which . . . do not work well in public education.

Some thirty-five states have moved forward with something which we could label "accountability programs." However, accountability has never been clearly defined. Consequently, the word has become an umbrella under which almost any reform can come to stand. The standard accountability procedure used so far, which has been pushed more by various educational professionals than legislators, is a translation from the private sector, the business world, and the technical world. This "accountability" is a form of input-output analysis and is frequently labeled "program performance budgeting," "management by objectives," "operations research," "systems analysis," "program evaluation and review techniques," "criterion-based teacher training," or "performance-based teacher credentialing."

I will now take a rather strong stand in opposition to that approach, and though I believe most of what I say, some points will be stretched deliberately. My view is that this technical-industrial output model will not gain us anything in terms of measuring school productivity, and in the long run it promises to be quite dangerous.

Those states which stepped early onto this avenue of accountability now find themselves slinking off and rescinding some of their earlier measures. None is doing so more sheepishly than my own state, California, which in 1971, with a great deal of publicity, enacted a series of legislative mandates making it necessary for every school district to install within five years a program performance budgeting system (PPBS)–an accounting system. This was accompanied by vast amounts of state money. The state education department contracted with a national accounting firm to draw up a series of PPBS procedures for California's local school districts. Many local school districts hired consulting firms to assist them in implementing this mandate. Not only reputable firms, but every snake oil salesman in the world poured into California to profit from this new mandate.

A year and a half ago the California legislature without much fanfare rescinded the mandate, acknowledging that it was probably not doing any good and was costing a lot of money. Other states have had similar experiences. The difficulty is that the technical-industrial accountability model–the PPBS format–carries with it four assumptions which work powerfully for the private sector, work well in some portions of the public sector, but do not work well in public education.

Assumption number one: If you want a technical-industrial accountability model to work, you have to have agreement on the output. You have to have agreement on what the system is supposed to accomplish. With the exception of some very basic endeavors, such as perhaps reading and mathematics, it is extraordinarily troublesome, difficult, and time-consuming to get any substantial number of people to agree on what schools are supposed to do.

Most people will agree with you that schools should teach children to read and to count. But it has been my experience that when I ask them–"What is your priority between even those two items?" or "Do you think reading is more important than anything else? Or mathematics?"–I am into a long discussion.

There are those who when pressed on the matter will say, "Well, yes, reading is obviously important, but it is even more important for students to get along with one another. If you have a world with conflict, what difference does it make whether people can read? What does it matter about mathematics if black and white people are always hitting one another over the head? What this nation needs, what our school system needs, what my school needs is more racial harmony, or more social ability, or whatever." The argument can be extended to those who will say, "The most important thing is for my child to learn to be a complete person, to be able to make wise judgments about government, to be able to get a job. After you can assure me that he or she has some kind of manual skills, then teach my child to read or teach him mathematics."

The arguments go on. Perhaps you've heard them. It's difficult to get agreement at almost any level, among any sizable number of people, about what schools should accomplish first. Yet in the private sector, if you're manufacturing automobiles or chemicals–almost any kind of material item–it's pretty clear what you want done. You want to maximize profits. But it is very difficult in a state, large school district, or even in a large school to get agreement on school outputs.

The second assumption involved in the technical-industrial accountability model is not only that you have agreement on output, but also that you have a means of measuring that output. And here again, on balance, the "science" of schooling (and I put that in quotes because I believe strongly that it continues to be much more powerful an art than science) falls woefully short in its ability to measure what happens to children in schools. Tests in reading, mathematics, and other areas are certainly improved, but we still have very incomplete knowledge about measuring children's values, or what they believe in. Also, much of what schools are expected to accomplish takes place or exhibits itself after the child has completed school; so it's difficult to measure today what we expect to take place tomorrow. The science of measurement for school purposes has certainly gotten better, but it is by no means efficient enough to measure the large number of results almost all of us expect from schools.

A third assumption embedded in this standard accountability model is that there is an underlying technology (by which I don't mean simply machines, but a body of knowledge, scientifically proven facts, and technical understandings) which tells you how to educate a child, how to teach. In other words, that there is an underlying theory of instruction. In the private sector, there are industrial technologies which explain how to produce something, and you can apply an input-output analytical framework to assess whether or not a technology works. In public schooling–despite what some educational psychologists may hope for–there still is far from anything like a comprehensive theory of instruction which will tell you how to teach any particular child any particular subject on any particular day. It just is not there. Which is not to say that able, gifted teachers don't teach children. They certainly do. Through trials, errors, and successes, through practices they've developed over time by examining their own behavior, through conventional wisdom and simple artful industry–certainly teachers can teach children. But to transmit what they know about teaching children to any large degree to other teachers is a very difficult endeavor.

The last assumption embedded in the standard accountability model is that you can separate the influences which constitute production. In schools you just can't do that very easily, if at all. Clearly, what takes place in a child's home, among his peers, or in his or her church–all of these things also influence learning. It's extraordinarily difficult–and I would argue for the most part impossible–to separate what schools do, what homes do, and what other institutions do. So you cannot get a true measure of the impact of schooling. In the absence of the ability to meet these four assumptions, the standard input-output accountability model just simply will not fly.

"What are you going to do then, Guthrie? You really believe we should put these added dollars on the stump in the dead of night, then run away and let the educators spend them?" No, I don't. It's my view that when you have incomplete knowledge, when you are not able to determine outcomes precisely, when you don't have a science of production–what you should fall back on is a political model or a consumer-oriented means of measurement.

There are several practical steps legislatures or local school districts can take which will put us substantially closer to accountability than we presently are. I would add quickly that I've also become convinced today's social reform will probably be tomorrow's social problem. There is almost no social change, no lever you can pull, which will work for all time. You have to re-examine things constantly. So I'm not advocating a series of reforms that I think -because I've seen them in operation in Florida or California–are automatically going to work in Georgia. I don't believe that for a moment. Every reform has to be tailored to the individual circumstances of particular states, school districts, schools, and children. Nevertheless, the following endeavors, I believe, would be productive in measuring the effectiveness of schools.

One step Georgia has already taken is the development of a statewide testing program. There are still those who resist statewide tests on grounds that (1) they overemphasize that which can be measured and (2) there is much about schooling which at the moment is immeasurable. I certainly agree with the latter, but for me it is not an argument for not attempting to measure what you can. And, in this regard, Georgia has made a vast stride in the right direction.

In addition to statewide testing, there are other important methods. One is to inject a substantially larger measure of consumer or user input into the system, i.e., to enable the public to express preferences about whether or not schools are successful or effective. Perhaps every member of the public will have a different standard for schools, and that's fine. What is needed are mechanisms which enable them to express these preferences. There are some states, and, indeed, there are some local school districts–my own being among them–trying some of these methods.

One of the things done in Berkeley, which is not perfected but appears useful, is something we call "user-evaluation." At the end of the school year, we send parents a form--and request its return–asking simple questions about their child's schooling during the course of the year. We try to make it as uncomplicated as possible. Questions such as: "If you were starting the year over again and knew what you do now, would you want your child to have the same teacher?" "Would you put another one of your children in that classroom?" "Would you recommend that teacher to one of your neighbors?" "Under what conditions would you try this teacher again?" We ask that the forms be signed, but we send them out at the end of the year so parents don't fear some kind of retribution if they say something unpleasant about their child's teacher. This method was opposed initially on grounds that you shouldn't let lay people evaluate professionals. Again, humbug! Why not? It's their child.

Another mechanism, not found appropriate for Berkeley, is used in other places. I know it is used rather widely in Minnesota. Where population density warrants, elementary schools are aggregated into three or four clusters. Each school is encouraged to adopt a different style, theme, or tone, and then parents are permitted to choose which school they want their child to attend. This gives parents a very definite way to express their preferences with respect to schooling. It also provides students and parents with the option of switching schools if after some reasonable period of time they are dissatisfied.

A more radical expression of that idea takes place in the "Alum Rock Voucher Experiment" in California, where parents are given a choice of schools for their children. Counseling concerning choices is provided, and children are permitted to switch schools with their parents' permission. An important element is that when people switch, the choices are recorded. And if a school is consistently oversubscribed–if more children want to go to it than it has room for–it is permitted to bud off and get larger, because whatever it's doing, it's doing something that is satisfying its clients. And those schools which are consistently undersubscribed are in time closed down, because whatever they are doing, it is not right.

The voucher plan is not going to work every place for lots of reasons. But it's possible to have a moderate variation of it. Again my school district is trying it, and so far we are very happy with it. We set up schools within schools–divide up schools of four or five hundred students into four or five schools within the same building–and parents choose which of those schools they want. We permit them to switch after a reasonable time, but not indefinitely. After three switches, we begin to worry about it. But in any event, what they are doing is voting with their feet, giving a measure of expression of satisfaction about the effectiveness of that school.

. . . statewide testing, opening avenues for public preference, and establishing teacher-oriented incentive systems can begin to turn things around.

There is another method or route of reform that I think will be useful in providing more accountability. To my knowledge, public schools are the only institutions in the United States which systematically give higher rewards for performing functions which are not the major reason for the existence of the institution. If you will follow the pay schedule and the other kinds of available rewards, such as greater freedom in use of time, of professional educators in public school systems, you'll find the further one gets from the classroom, the greater the rewards. Each of these steps–becoming a principal, working in a central office, moving to the state education department–takes people further away from children. And, of course, they make more money each step up they go. Then, finally, when people have been far from children for a long time and know very little about them, we permit them to become professors of educational science.

I don't believe that that offers a very positive incentive to be a good teacher. If a teacher wants more money, more free time, and more prestige, then he or she must get out of the classroom. And what's been happening, particularly since the advent of large amounts of federal money for public education, is that we have seen more and more specialized teaching positions being created. Increasingly, the low person on the status totem pole is the full-time classroom teacher. That's the one who derives the least number of rewards for, in my view, the most important function in the entire system. Again, it's not easy to change these behaviors, but there are school districts that are beginning to do so. They are making it clear that though there are some necessary jobs other than being a full-time classroom teacher, you don't have to pay more money for doing them.

The possible and, I think, highly probable exception is the school principal. It's one of those rare places where educational research and conventional wisdom coincide. Increasingly, it looks like the principal is the key factor as to whether the school is a good or bad one. Principals, if they are good, deserve more money. But it doesn't mean because you are a counselor and work a longer year than the teacher, you should be paid more. Other than principals and perhaps superintendents, the highest paid people in school systems should be teachers. Otherwise, you've got an upside-down incentive system.

Now, those are changes which I hope are rather practical. Simply mandating something like a statewide program performance budgeting system will not get the desired effect. Instead, statewide testing, opening avenues for public preference, and establishing teacher-oriented incentive systems can begin to turn things around.

FLORIDA'S ACCOUNTABILITY SYSTEM

AUGUSTUS B. TURNBULL, III

As you can tell from a recitation of jobs I've held and lost, I have managed to move around from post to post fairly frequently. This has given me a chance to look at the world through different sets of spectacles, and this afternoon I'll try to remember which pair I'm wearing. I appreciate the comment made earlier that people were brought here today to speak objectively and not to preach about things. As a legislative staff member, I learned very early that legislative staff do not express opinions. They simply stay in the background and try to present objective facts. I will try to hold that posture and to present in simple fashion a brief overview of the accountability system in the state of Florida.

It started back in 1968. We had a teacher strike, a reorganization of the Florida Department of Education, and a lot of personnel changes. Then over the next eight years, the legislature proceeded to rewrite the law almost every year in an effort to do things to improve Florida education. Rather than trace that evolution year by year, let me summarize what it was like in 1975 and then tell you about some changes the 1976 legislature made to almost completely reorient and restructure the educational accountability system in the state.

The situation in 1975 was as follows: First, the state department of education had been given a formal legislative charge to develop a plan for assessing the needs of education in Florida and a plan for effecting constructive educational change. As part of this, the department was to develop performance objectives and to devise a plan for reaching those objectives.

A second requirement was a comprehensive cost-accounting and reporting system to provide detailed information on school expenditure so that schools and districts could be compared in over twenty-six categories.

Third, a comprehensive statewide assessment program was to be set up in which students in every school in certain selective grade levels were to be tested annually.

A fourth component was the establishment of a comprehensive, computer-based management information system using comparable data elements across the state.

Fifth, annual school reports of progress were to be prepared at each school and sent home to parents with specific information about their children's schools.

Sixth, a formal system of lay input into schools through school advisory committees, primarily staffed by parents, was to be set up.

Seventh was a legislative mandate requiring the schools to give particular attention to basic skills in the early years.

Eighth, and last, was a requirement that district comprehensive planning integrate all of these elements into a school program designed to meet locally identified needs.

We are assuming that the public will get the kinds of schools it wants if it knows what's happening in those schools.

Now that was the picture in 1975. There was also sufficient evidence then that this grand scheme was not working very well. The Speaker of the House and the chairman of the Education Committee told the legislative staff to spend a minimum period looking at this very comprehensive system and to come back with their report. We developed a nice, fat, thick 132-page report which I'm sure very few people read, but, more importantly, we also drafted a bill. That bill received very intensive consideration during the last legislative session and ultimately was passed overwhelmingly by both houses.

We tried to base our study on feedback from the local level. Our staff visited ten school districts, and since Florida districts are countywide, some of them are quite large. We interviewed about a thousand people and used surveys and other techniques designed to get feedback from the grass-roots level about how this mass of legislatively mandated activity was actually working. The results showed some parts working well, but there was not a total comprehensive approach as we had hoped. Most striking was the lack of any plan for effecting the constructive educational changes the 1968 legislature had envisioned. All of these things were supposed to pull together and lead the state forward in a coordinated fashion. It simply wasn't happening that way.

There were some very good reasons for this. I'm sure that if we looked at reform in any state, we would probably come up with some of the same reasons. For example, the Florida Department of Education was going in several different directions and the legislature was changing the laws each year, so it was rather difficult for folks in the field to keep up with them. The school districts in Florida also have a certain degree of independence, and they were not always responsive to suggestions from Tallahassee. Everyone always pointed to inadequate funding–a standard complaint. Then, I think, the pure magnitude of the task was a major problem.

But parts of this system were working well, and the legislature concluded that with some tinkering the system could be made to work even better. So they passed the Educational Accountability Act of 1976.

First, under this act, the commissioner of education is charged with the responsibility for pulling together all of the elements mentioned above and for developing recommendations each year to the legislature on needed improvements. Student performance is to be measured in certain grades against statewide minimum standards. The statewide assessment program, the management information system, and the cost-accounting system are to be integrated so that people who read the reports can get a clear idea of what is being done in what areas and at what cost.

A second element of the law requires the statewide assessment program to test in grades three, five, eight, and eleven and to coordinate its work with district assessment programs. We discovered a lot of duplication. The large districts really had a better assessment program than the state did. It was very important not to duplicate efforts but to complement them.

Under the new act, high schools are directed to develop equivalency exams for the required subjects, so students who think they have already reached a certain level of competence can test out of these courses. Then, through a coordinated program with local community colleges, students can begin college work in those areas before they have formally graduated.

Perhaps the most controversial and most difficult element of the new law is its requirement that school districts develop by next year a program of student progression standards. This is an effort to get away from social promotion and to say that by a certain grade students should be able to do specific kinds of things. Local school boards are given the authority to develop those standards. The legislature decided it did not wish to enter that particular realm of controversy.

In addition, the new act requires graduation standards, including functional literacy requirements. The school boards have the option of developing differentiated diplomas to recognize different levels of accomplishment in different areas of expertise.

The fifth and perhaps most popular aspect of the program is its effort to eliminate unnecessary paper work.

The state had been moving very heavily in the direction of a comprehensive planning process. California's experience with program performance budgeting (PPB) sounded very familiar. Every school and district in Florida had been developing massive comprehensive plan documents, and it was discovered that these things were "boiler plate" in most cases. They had nice-sounding words that were repeated every year, but they were not being used to identify really important local needs. So, the 1976 act revised the statutes to weed out several complicated pages of specific planning requirements. What remained was a simple statement that districts are expected to plan according to locally identified needs.

Now, our Florida accountability system is based on a fairly simple cause-and-effect assumption. We are assuming that the public will get the kinds of schools it wants if it knows what's happening in those schools. The whole effort is to present information to parents and to the general public that they can understand. Then we will find out if, in fact, they wish to make changes. The system does assume that both statewide and local educational standards of achievement can be established. We recognize fully the great difficulty in deciding upon goals and objectives. The legislature has said the first priority is basic skills in the early grades. We want the schools to focus on setting those standards and to demonstrate some method of teaching kids to read, write, and compute. After they have accomplished that, then schools can worry about studying and setting other standards.

One of the problems that we discovered was that the early effort to set standards resulted in thousand-page catalogs of individual educational objectives. Teachers would have a thick document with minute definitions telling them which particular step in a particular area they were to take next. Naturally the teachers didn't like it. It wasn't getting down to the real need for teaching basic skills—the key to the whole effort.

I believe the best place for managing schools is at the local level with local school advisory committees and the annual reports of school progress. The strong emphasis on setting local goals is designed to encourage those efforts. Now, general testing of these assumptions is yet to come. Even after eight years of fairly intensive effort, we're just getting to the stage where we can see what's happening.

In conclusion, I'd like to say that underpinning this whole effort was a strong desire to get comparable information. The legislature had been frustrated for years. They would get statistics, but they couldn't compare one school with another or one district with another. A large part of the effort over the last eight years has been to develop data definitions and procedures so that—especially in the financial area, but also in student performance—when one school district carries out a program or puts money into a category, those activities can be accurately compared with what's happening in a neighboring district. Now, that's been an extraordinarily difficult thing to accomplish. Florida has just sixty-seven school districts. Georgia, of course, has many more, so the task in this state would undoubtedly be greater.

A second major problem has been a lack of attention to why it's all being done. The legislature in its wisdom passed some very broad and far-reaching statutes. The state department and local school people proceeded very busily and with a great deal of effort to implement bits and pieces of the statutes, spending millions of dollars and hundreds of thousands of man-hours. But nobody was looking at the results in any coordinated sense and saying, "Okay, we've discovered that kids don't read very well. What does that mean, what do we do with it, and what should the legislature do about it?" I believe the major philosophical change in the past session was to direct everybody to sit back and rethink the whole effort and to not just do things for the purpose of turning out tons of paper nobody would read.

Thirdly, the key to the whole endeavor is resource management. The effort goes where the money is put, and very few of us know what is happening to the dollars that go into the schools. Florida has a brand new and very comprehensive financial system through which we allocate money to schools based on particular kinds of students and particular kinds of settings, and there are weighted formulas which supposedly put resources into the programs that particularly need the funds. Our cost-accounting system is now finally beginning to show some data. We've got big computer printouts that go school-by-school through twenty-six program categories, and, lo and behold, we have discovered that the schools aren't spending the money in the categories to which the funds were allocated by the appropriations act.

Now that may be bad or it may be good. Nobody really knows for sure. But the point is that for the first time, decision makers, from the school board on up, are beginning to have some solid, comparable data that show where the money is being spent and for what programs. Hopefully, if the assessment program can be correlated with this, we can begin to get a feel for which programs are working.

To summarize, the state-level effort is an attempt to provide a general philosophy and a general funding process. Local school management is to be done at the local level.

EDUCATIONAL ACCOUNTABILITY IN NORTH CAROLINA

JEROME MELTON

As we assess the situation in North Carolina, and as we try to identify and define what we mean by this rather illusive term accountability, I think it's fair to say that in North Carolina we are concerned about it. One of my responsibilities is to coordinate the work with the legislature as it affects public elementary and secondary education, and I can assure you that members of our legislature are not only concerned about it but also frustrated about how to get their hands on measurement tools, about how to determine just what we ought to measure, and about how we ought to go about the business of improving schools. Your attendance and participation in this conference indicate to me that your frustration and concern are similar to ours in North Carolina.

I would say that while we have not enacted legislation that specifically deals with some of the questions that have been raised by the speakers from California and Florida, I think our legislators, state board of education, and state superintendent have been ahead of the game in terms of trying to avoid narrow, misconceived legislation. Through our appropriations act, the Equal Education Opportunities Act, our assessment program, and other actions, they have harnessed activities that seem to be paying off in other states and that seem to meet our needs. As a matter of fact, I think the few experiences we've had with legislated accountability systems have been bad experiences for us. These things tend to be narrow and come back to haunt us later.

North Carolina has been notorious or famous–I'm not sure which–for using the National Teacher Exam to certify teachers. I mention it to you simply as an example of what I think has been an attempt by the state board of education and the legislature to have some accountability for teacher education in the state. You may know that the court threw the National Teacher Exam out, and we're now in the process of trying to validate and norm as well as develop a state substitute for it.

North Carolina's executive budget act requires that the appropriations act provide for performance measures to determine some degree of accountability for the funds appropriated for public education. Now we're not very good at spelling out those performance measures or at evaluating them. At least the fiscal research staff, which is the arm of our legislature that works most closely with us, seems to indicate we're not very good at it. Nevertheless, with their help we are developing, I think, some performance measures, which are giving our legislators more facts and data about where and how the money is spent. As stated earlier, too often those measures are in terms of input rather than in terms of outcome.

Our Equal Education Opportunity Act is, I think, an example of a legislature going too far, perhaps, in trying to spell out the accountability of North Carolina in one area before it fully realized or determined how much it was going to cost. As a result we have a law that guarantees that by 1980 every child, regardless of his handicaps, will receive appropriate and adequate educational services. Now if you think that act isn't causing some scurry and hurry to provide appropriations, then you're mistaken. Nobody knows what its total cost will be, what "adequate" is, or when institutions, other than the public schools, ought to handle handicapped children. Unfortunately, the handicapped children who need the services the most are becoming the scapegoats. They are not going to get the services they might have gotten had the legislation been more cautious, planned better, and deliberated more.

North Carolina's state assessment program differs from Georgia's in that it tests a random selection of students. We purposely prepared it that way because we were afraid to compare schools and children. The program has been in operation six years. It does permit us to get norms for the different geographic and client groups in the state. Also, as part of the statewide assessment package in the appropriations act, local units are required to report the results of their own testing programs to their local constituents. The state board of education has in its budget a statewide testing program through which every child in one grade level will be tested. This suggests that the current assessment program has not been completely satisfactory to either the legislators or to the general public.

Perhaps the foundation for accountability in the future for North Carolina is our state accreditation program. You'd have to understand how important school accreditation is to North Carolinians to fully comprehend the potential of this. The essence of North Carolina's accreditation program is this: Instead of accrediting individual schools as do the Southern Association and most states, we now accredit a school system or school district on the basis of about twelve factors which must be part of a comprehensive plan developed for education over a five-year period. Built into this are curriculum programs, minimum standards of reading as determined by a state assessment program, budgets, facilities, staff development, personnel relations, organization of schools, consolidation of small schools, and the merger of small school units. We think this accreditation process–built not upon management by objectives but rather upon the involvement of a lot of people, the expertise of a carefully trained staff, and the use of standardized and supportive evaluation instruments–offers tremendous potential for us in trying to be accountable to the general public.

In preparation for this, we entered into a contract through the U.S. Office of Education and the American Management Association. Yes, we are using the tools of business and industry in training administrators, teachers, and key lay people across the state in observing their schools; in planning for them; in determining strategies, objectives, and goals for them; and most importantly, in evaluating the results these schools are producing.

I'll comment briefly on the competency-based teacher education program in North Carolina. The state board of education and the state superintendent mandated through state board authority that by 1982 the teacher education program in some forty-three institutions that train teachers in North Carolina will be based upon some kind of competency certification system. We will not look at numbers of courses but rather at competencies based perhaps upon the National Teacher Exam and other instruments being developed. I don't have to tell you that those involved in teacher education are quite concerned about this, and I think it's a step in the right direction.

Our class-size legislation, enacted four years ago by the legislature, is a form of accountability which holds local units responsible for organizing and running their schools and for protecting the time of teachers by establishing ten calendar months of employment, guaranteeing 180 days of instruction, and limiting class size. Again, these are largely input measures as opposed to outcomes. Yet, I think the two previous speakers said—and, particularly, Dr. Guthrie—that you've got to look at more than a narrow testing system if you're truly talking about comprehensive accountability in your schools.

. . . I think the few experiences we've had with legislated accountability systems have been bad experiences for us.

I will comment quickly on the evaluation of personnel as an accountability measure. Through our tenure law enacted by the legislature some five years ago, every professional employee in the public schools must be evaluated each year. This evaluation includes testing instruments, interviews, observation, and conferences with the employee. I think it is having a tremendous impact on the quality of the personnel we're getting in our schools and on the efforts of our personnel to upgrade themselves. Hopefully, we are looking at our accountability to children through evaluation of our professionals.

Now quickly, let me comment on two or three future concerns in North Carolina. Number one is equal educational opportunities for every child. As yet we haven't found a way that North Carolina can either plan for or address the needs of all children, particularly the extremely handicapped. Nor have we found a way for the legislature to appropriate enough money to provide equal educational opportunity. With legislation requiring statewide kindergartens for all five-year-olds passed in the most recent session of the general assembly, I'm sure the major share of funds for education over the next five years must go into this area. But we must find some way to be accountable to the legislature and to the public for exceptional children.

The required competencies for high school graduation will also occupy a lot of the time of North Carolinians concerned with accountability over the next few years. Certainly, the work in competency-based teacher education will be a concern. In the next five years, the accreditation process will result, we hope, in every school system in the state being accredited according to a comprehensive plan, with built-in evaluation measures and guaranteed input from advisory councils, the P.T.A., school boards, county commissioners, and legislators on a regional basis.

Now we surely, as I indicated in the beginning, do not have the answer for you. But I hope in North Carolina we haven't been the first to jump on the bandwagon or to listen to many of the cliches and simplified answers to very complex problems. I hope that we will not be the last to give up those traditions, those input measures, and those other things that haven't served us well in the public school system. Rather, I hope accountability for us is a complex, comprehensive, long-range goal in which the legislature, the state board of education, the state superintendent's office, the 145 administrative units, and the general public each feel its respective share of responsibility.

STATEWIDE TESTING IN GEORGIA

PAUL VAIL

We've had some people accused of not taking a stand on issues like accountability, and it reminded me–I am from Mississippi–of when Sen. Theodore G. Bilbo was running for reelection and was speaking on prohibition. A church member decided to put him on the spot and make him take a position on prohibition. He said, "Senator, how do you stand on prohibition?" The senator said, "Well, some of my friends are for it, and some of my friends are against it, and I stand with my friends." That's sort of the way I feel about statewide testing programs–sometimes.

I'd like to talk about five points: (1) my perception of why we evaluate students, (2) how we are attempting to evaluate those students, (3) background on the student-assessment program in Georgia, (4) some sample test data reflecting what's available to teachers, and (5) what we see in the future for testing.

Basically, there are three reasons why we attempt to evaluate students. One is that the taxpayers say, "We're putting a lot of money into education. What are we getting for it?" We hope that through the student-assessment program we have partially answered this question. Secondly, the statewide testing program provides information to educators at the state level, system level, school level, and the individual classroom level about students, so that programs can be planned for both the individual student and groups of students and so that progress can be monitored. Third, the data are also quite valuable, we think, to individual students and to parents. Such information allows them to understand strengths and weaknesses so they, in turn, can work with the school in remediating weaknesses and building upon strengths. That is basically why we are testing students in this state.

How are we evaluating students? We're taking a two-pronged approach. We're using norm-referenced instruments to find out how our students compare with other students in the country. In addition, we are using tests developed by Georgia educators, college personnel, consultants of the state department of education, reading specialists, and out-of-state test consultants. These tests attempt to determine whether students in this state have mastered certain preselected basic skills.

Now to give you some background about how we became involved in a statewide assessment program. In 1971 when Governor Carter was in office, he and the legislators thought we ought to take a look at student progress. The idea at that time was, "Let's look at the eleventh or twelfth grade and see how those students fare." Well, this has changed somewhat. We thought that we should assess students earlier and more often, so we decided to test in grades four, eight, and twelve using a one-hour basic skill test. This is the norm-referenced test through which we compare ourselves with other states.

For one year, we maintained that program and the second year moved to grades four, eight, and eleven. That program continued until last year, and the data have been made public each year. Last year we decided we needed to look at whether or not we were teaching what we professed to teach. Realizing it's hard to really pinpoint what is going on, we decided we could probably tie this problem down in reading and in mathematics. So we began to develop a criterion-referenced test for grades four and eight in reading and mathematics. The instrument has been completed and field tested, and we are comfortable with this educator-developed test. We administered it last year, the data are now public record, and you probably have been reading about it.

> *. . . we decided we needed to look at whether or not we were teaching what we professed to teach.*

We did not abandon the norm-referenced test when we developed the criterion-referenced test. We still want to know how our students compare with other students in the country. This year we are administering the Iowa Test of Basic Skills in grades four and eight and the Test of Academic Progress in grade eleven. Fourth and eighth graders will be selected by stratified random sample. We're testing only 170 schools, but it will result in data comparable to the data available in prior years so you can see whether or not our students are doing well when compared with a national sample. In addition to that, we will give the criterion-referenced test again at the end of this year.

What are we going to do in the future? That depends upon you—the legislature—to some extent. It also depends upon the citizenry in the state. If money is available, and people continue to want and use the data, we will continue to test with the norm-referenced test in grades four, eight, and eleven. We'll also give the criterion-referenced test in grades four and eight. We are presently developing criterion-referenced instruments for grades two, three, six, and ten in reading and mathematics. Those instruments will be ready next year and will be available to local school systems. At this point, we are not sure that we will require the test in all the grades, but the tests will be available.

Now in addition to the basics—reading and math—we're assessing students in the area of career development. We're trying to tie education to the real world through career education, and we feel that it's essential that we test in this area. However, we will only test in grades four and eight for career skills.

We are also working on a model preschool assessment program. The feeling is that maybe we're waiting a bit late to assess students. Many schools in the state presently assess their entering first graders to see if they are ready to learn to read or if they need more work in readiness activities. Hopefully, next year we will have a preschool assessment model available to local school systems. In fact, we'll probably have four or five different models from which a school system can adopt the most appropriate model for their schools. Once students are assessed and strengths and weaknesses are found, we'll plan educational programs for them. We think the first three grades are probably the more important grades to be considered in Georgia's student assessment program.

PERFORMANCE-BASED TEACHER CERTIFICATION

JOSEPH A. MURPHY

The Performance-Based Certification/Supportive Supervision Project, sponsored by the DeKalb County School System, is being conducted in a cooperative working relationship with the state department of education, the University of Georgia, and Georgia State University. It is one of several projects being conducted in Georgia to help the state department of education get enough information to move toward its commitment to competency-based teacher education and performance-based teacher certification. We are in our third year of trying to develop and test a model that will relate the certification of teachers to their demonstrated performance.

The model provides supportive supervision to beginning teachers where assistance in attaining needed levels of performance is needed and warranted. A beginning teacher is defined as a person just out of college, a teacher who comes to Georgia from some other state, or a person who has just received an initial teaching certificate in Georgia. The plan calls for the beginning teacher to receive a nonrenewable license to teach and a two-or three-year period in which to show adequate performance. If the result is satisfactory, a renewable certificate will be issued. If their performance is not adequate, then the license will expire. Our supervision project is aimed at the first two or three years of teaching. During this time, we will be working with beginning teachers and looking at them to see if they are performing well enough to become full-fledged members of the teaching profession.

We spent the first year of our project, 1974-1975, in development and design. The testing came later. We identified six major tasks we wanted to pursue that first year. The first was to identify the "competencies," that is, areas of knowledge, skills, and attitudes effective teachers need. We had to identify those things—there is no magic list written in stone like the Ten Commandments.

Once this was done, we had to find some way of assessing these competencies to find out whether or not teachers actually possessed them. We decided from the very beginning our criteria for validating them would be student growth. As inadequate as such measures may be, we did feel student growth in academic, social, and emotional areas should be considered as the basis for saying whether or not a teacher is competent.

The fourth major step was the development of a procedure for establishing the minimal level of competency necessary to receive a professional certificate. The fifth thing we wanted to do was to develop a supportive supervision program for beginning teachers to be used when weaknesses were discovered during the assessment procedures. The sixth, and final, step was to design a manageable system for implementing the program formed through planning and development.

We three project coordinators decided very early we didn't know enough about the teacher competencies' project to feel comfortable in handling it, nor did we think anyone else did. And I don't mean just within our state. I think this is something there is really no expertise in. We decided to organize the best thinking we could from our professional people into six committees to attack these six steps. We did this by recruiting approximately 165 practicing classroom teachers, seven school administrators (principals and assistant principals), and about fifteen systemwide people.

The first committee identified these competencies. We provided published lists of competencies from all over the United States to these thirty-five committee members. Some lists came from the University of Georgia, some from other projects in Georgia, such as Carrollton, and some from Emory University. Other lists came from Texas and Oregon. We found all the information we could to give to this committee. We asked them to share it with schools, such as Georgia State, Oglethorpe, or Emory, where they might be doing graduate study. The committee finally arrived at a list of twenty "competencies" or areas of knowledge, skills, and attitudes possessed by the successful teacher.

We designated and assigned eighty-seven performance criteria to these twenty competencies. The competencies and criteria were then printed and circulated throughout the school district. The certified teachers were asked to respond to these and to tell whether they thought they were highly related or had little or no relationship to successful teaching. Over 3,000 teachers responded.

The major thing we decided was to use a team approach to assess and to support.

From that point, we started developing assessment instruments with our second committee. We needed to find ways to determine whether or not a teacher possessed these twenty competencies. Using the competencies as the criteria, we developed instruments with which an observer could go in a classroom, watch a teacher teach, and record certain information about these competencies. We also developed questionnaire-type instruments to give to the classroom teacher, to another staff member who knew the teacher, to the school principal, and to the teacher's students for finding out about the teacher's methods and activities. We also developed an interview format to use with the beginning teacher and a procedure or process for looking at some of the things that the teacher develops in teaching, such as lesson plans, tests, records of conferences, etc. In the end we had seven different instruments with which to assess these twenty competencies.

Our third objective was to see if these competencies related to student growth. So last fall and spring, we tested 2,400 students selected from six different high schools and twelve different elementary schools throughout the DeKalb County School System. Some were from very affluent communities and some from the not-so-affluent communities. We selected some schools that do extremely well on the state testing program and some that do not do well. We were trying to get a sampling to see whether one competency is effective in all of these different situations, in one situation, or perhaps in none. These data are now being analyzed. We hope soon to have some indication as to whether we need to change, eliminate, or find new assessment procedures.

So far we cannot recommend minimal levels of competency. However, we have decided what the procedures should be to get statistical and other available information to professional people and members of the teaching profession in order that they may make decisions about what the performance level should be for those being admitted into the profession.

In the area of supportive supervision, which was our fifth major committee, we started by trying to identify resources that would be available to us if we found that teachers were struggling. If, for example, one of these beginning teachers had difficulty with classroom control, we wanted to know if there were some resources available in the metropolitan area that would allow us to say, "Ms. Jones, here are four or five things you might be able to do to strengthen this area." We contacted cooperating agencies and looked inside DeKalb County, at the Georgia Department of Education, the University of Georgia, and Georgia State for available resources, such as people, college teachers, existing courses, programs, and places where the teacher might go for assistance.

In addition to this, we have provided training through college courses for the people who will be doing the assessment and support. Over 200 DeKalb County teachers were trained so that they could share their expertise with and participate in the assessment of beginning teachers. This training was in cooperation with the University of Georgia and Georgia State University. College credit, credit toward certification, or pay increments were given for this training.

Our last attack was on the management area. The major thing we decided was to use a team approach to assess and to support. Each beginning teacher would be assigned a three-member team who would work with that teacher in an assessment role. One member would be a generalist: someone currently on our staff who is familiar with the systemwide curriculum, who knows DeKalb County, who visits schools in the more affluent as well as the less affluent areas, who is familiar with the way the schools operate, and who knows in which schools the state testing program has a very positive result and in which it does not.

The second team member would be a classroom teacher with the same assignment as the beginning teacher being assessed. For instance, if this were a second-grade teacher in a school that does extremely well on the state testing program, the second member of this team would be a second-grade teacher from a school in an area with similar demographic characteristics. (We were trying to take care of the situational differences that we all know occur from one school to another.) The third member of the team would be a principal, assistant principal, or a local school administrator.

Complementing the assessment team would be another three-member team that would use the data to try to provide support to this teacher through resources and personal contact. On the "support team" there would also be a generalist, a specialist, and an administrator, but these would be different people from the assessment team because we are trying to separate the assessment from the training. We feel the rapport and the closeness necessary for a good support effort would probably get in the way of an objective assessment.

We will complete our project at the end of June 1977, and by that time we should have some information that will help the state department of education make its decisions about the future as we go into competency-based teacher education and performance-based teacher certification.

QUESTIONS AND ANSWERS

QUESTION: Dr. Guthrie, do you feel that it is helpful for school administrators to return briefly to the classroom on a regular basis?

GUTHRIE: Absolutely. It's helpful for at least two reasons and maybe for others. First, I think it does all of us good to remember periodically what school is like and what teaching is like. In addition, shuttling school administrators back and forth into teaching begins to break down the upside-down incentive system, about which I spoke earlier, that says the only way to success is to become an administrator. It makes it clear that the highest service one can perform is to be a good classroom teacher. That is what we want to reward. If we can do that, it will be clear that being an administrator need not be the route to success.

QUESTION: What do you think about discipline?

GUTHRIE: In Berkeley the pendulum has swung back to where parents and teachers are asking that discipline be imposed more stringently than over the past decade. We're finding, from my perspective, some wonderful results. Even the students like it. And we do some old-fashioned things. For example, students from elementary schools line up in the yard and march in behind their teachers. That was unheard of in Berkeley. But students are learning what the boundaries are, what is expected of them, and what they can and cannot do. And children are more comfortable with that. One has to watch out not to create some fascist state in the process–that's the danger. But when not taken to excess, I applaud the move.

QUESTION: Dr. Guthrie, don't you agree that we would benefit from greater community involvement in the schools?

GUTHRIE: I not only agree, I wish I'd said it first. I think we have come to the point where professional educators dominate educational decision making too much and that it is time to inject a substantially greater measure of lay control into education. In addition to that, I wish I could make everything get smaller: smaller schools and smaller communities. Then people feel the pressure to act towards one another in a kindly fashion and enforce morals. When you've got large schools and communities, the opportunity to hide behind the curtain of anonymity and engage in antisocial behavior is very great. Don't eliminate those small schools without thinking hard about it.

QUESTION: Schools don't seem to be teaching morality anymore. Should the legislature require them to do so?

GUTHRIE: The standard problem with your suggestion is "Whose morals?" As I'm sure you know, historically it's been a very difficult problem to solve. My answer is that your chances for reaching agreement on the question are greater among a group of parents at a school site than they are among parents across a district or state. I certainly believe there are some minimal moral standards which the legislature can and ought to impose. I would hope eventually that there would be additional room for parents' advisory councils, like those described in Florida, to impose other teachings about morals beyond the state minimum. I think that's the kind of discretion which should be awarded each school site.

QUESTION: In school systems which permit parents to choose their child's school, which approaches to education currently being utilized have been the most successful?

GUTHRIE: The primary choice is between a structured or unstructured school. In addition, there are other options, such as schools which attempt to teach the entire curriculum with an orientation towards science, for example, or towards the performing arts in which a child's English and math center around plays, theatrics, music, etc. Whether or not there are performance differences, I do not know enough to say. There is a National Institute of Education funded experiment being conducted in a quarter of the Minneapolis City School System to discover whether or not performance differences exist.

QUESTION: I have heard that some Georgia school administrators failed to release criterion-referenced test data to teachers and parents. If that is true, do we need legislation to correct the situation?

VAIL: I'm not sure we need legislation to ensure release of the data. We're conducting workshops for administrators on the use of the data. I don't think they are withholding the data as much as they just simply haven't bothered to put it out. I don't think legislation is needed, just more work on our part.

GUTHRIE: As long as Georgia administers tests with very little threat attached to the test results, professional educators will probably cooperate. As soon as it is possible for someone to take action based on those test scores, I strongly suspect that cooperation will become more difficult. It's my view that in addition to testing itself, the next important step is to permit those test results to have some effect. You've got to get those tests to places where people can act on them and where they can see how children are performing in specific schools so schools can be compared. Parents have to have access to that test information.

One of the beauties of Florida's overall accountability plan is that the annual progress report for each school is available and, indeed, as the legislation initially was designed, it was mandatory that a copy be sent to each parent. If parents are dissatisfied with the performance of their school, they've got to have an avenue along which they can bring pressure to bear for change. Of course, my prejudice is that the strongest lever is to give them the power to leave one school and go to another, the power to change the principal of that school, or, if nothing else, the power to bitch, scream, and yell about it. But I don't believe that simply asking each school or school district to publish the test results will prove sufficient in the long run. I think parents should be able to compare schools so that they can act upon that information.

QUESTION: Are the private schools included in the criterion-referenced test scores?

VAIL: No. We need a lot more money to do that kind of testing. We have had requests from private schools to come in and do the testing, but it costs a lot of money. If you'll give us $1.50 per child in private schools, then we can do it.

QUESTION: Dr. Turnbull, what do you think of the early admission of educationally advanced high school students to community college programs through the use of standardized tests?

TURNBULL: Our schools have just been asked to do this, although a number of them have already developed some type of early admission to community colleges. It is no panacea. There is some question as to whether making a good score on a standardized test in English will really ensure that you are going to be able to handle a more advanced English class. The general philosophy of the legislature has been to push the good students through as rapidly as possible and put more resources into remedial work at the high school level. The problem is the student who can't read should be discovered much earlier.

MURPHY: Georgia has several school systems that participate in what they call the "joint enrollment program," in which a high school senior may take courses from a college and receive both credits for high school graduation and for the freshman year of college. In our particular location, we have a lot of high school students enrolled at DeKalb Junior College. Others are taking advantage of the same kind of opportunity at Georgia Tech and Emory. We also have some students joint-enrolled between a vocational-technical school and a high school, but graduating from the high school. Joint enrollment is possible for either college or post-secondary vo-tech school.

QUESTION: On the basis of test results, how do Georgia's school systems compare with each other and how does Georgia compare with other states?

VAIL: On our test, we neither take into account nor report some variables. One of those is socio-economic background, which is extremely important in student achievement. Therefore, it is not valid to compare Webster County to DeKalb County. Students have different size buckets, if I may use the term. If you want a student to carry a gallon of water and you give him a quart container, he's going to have to make more than one trip. Some students have a gallon bucket and some a quart bucket. Students who live in $60,000 homes and have parents who are professionals perform better in the public schools of Georgia and probably in the public schools of the country. Students who are culturally deprived and educationally deprived do not do as well on the standard instruments that we use at the present time.

CREECH:* Georgia is not exactly the same as any other state in the Union. We get calls all the time because a politician or someone else has said that Georgia ranks forty-eighth in the nation in education. Everybody thinks this ranking is based on some kind of achievement test data. It is not. We can tell you how Georgia compares with the national norm sample, but we cannot tell you how Georgia compares with Florida, California, or anybody else as far as a ranking of the states. You can rank us on teachers' salaries and things like that, but nobody gives exactly the same test all over the country.

One other thing is that there are richer states with a larger proportion of children in richer homes who have more stimulating experiences. We still have a very large proportion of poor people in Georgia. I think as long as that is true, it's going to be very difficult to make direct comparison of test scores.

VAIL: When the per capita income goes up, the achievement level will go up. We're not making excuses. I hope it doesn't sound that way. But until that time, we will probably be below the national average in student achievement. You have to realize that we're keeping students in schools now that we did not keep many years ago. As we cut down on the drop-out rate or keep the unmotivated student in school, we will have lower achievement levels when compared nationally.

QUESTION: Do children in deprived counties actually have "smaller buckets" or are their schools, instead, inadequately funded?

VAIL: I did not mean to imply that all students in a county would necessarily have a smaller bucket. I was indicating that in many of the small rural counties, parents probably do have a lower educational and income level. More money might be the answer. But, and this is my opinion, if you move those students to DeKalb County and an equal number from DeKalb to a smaller county, the student achievement would remain about the same.

I'm not saying that it is impossible. I am just saying that if a youngster has been culturally and educationally deprived, it is going to take him longer to accomplish some tasks than it would some other students. If a youngster enters the first grade and has never seen a book and never held a pencil, he cannot compete with a youngster who has been read to and has been coloring for years. I did not mean to imply that all small counties have this problem, but many do.

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*Elizabeth Creech, consultant in student assessment, Georgia State Department of Education. Ms. Creech participated in the question and answer session only.

GUTHRIE: I once had to appear in a court case and testify with a superintendent from a very poor school district. The counsel in cross-examining the superintendent said, "Do you think money would make a difference in the achievement of your students?" And the superintendent said, "I don't know. I'd like to try it sometime."

The state of Florida is attempting to measure these nonschool variables and crank them into the calculations so you can compare schools with similar student populations and see how student achievement varies. They are hoping to find some exceptionally good schools and expecting to find some exceptionally poor schools. At that point they will see if there is anything educators are doing to foster this difference. A large body of statistics says school does not make a difference. Most educators disagree with that, however.

QUESTION: Dr. Guthrie, how great is the influence of socioeconomic status on learning ability?

GUTHRIE: I must sadly report that in California, as in this entire nation, to my knowledge the best predictors of a child's school achievement are the measures of his family's income and level of education. That is clearly the case with us. What this says, as you strongly and correctly implied, is that the schools do not appear to be effective in breaking that linkage. They used to be. Historical data suggest that fifty, sixty, eighty years ago, they did a better job of breaking the tie. I have no happy news to report to you from California. It is equally dismal there.

QUESTION: What can schools do to help children from low-income households learn better?

GUTHRIE: Your question is so appropriate, yet, regrettably, I find the answer so complicated. I believe the clearer we can make the expectations of schooling for children from low-income households, the better. We need to say clearly, "We want you to learn to read and count. We're going to reward you when you do that. And we're going to spend a lot of time teaching you with teachers who care." That will go a long way toward breaking this unhappy link.

QUESTION: Could it be that we expect more from the child who comes from a higher income family than from the child who comes from a poorer socioeconomic background? Are we retarding their progress by not expecting enough?

VAIL: There is evidence that this happens in a lot of cases, but I don't think it is as much a factor as the lack of home reinforcement. I agree with Dr. Guthrie that we should expect them to develop reading skills, but I don't think we should expect every child to develop them at the same age level.

QUESTION: Do you agree with the trend toward emphasis on basic skills in the public schools?

GUTHRIE: I speak from personal persuasion. As a scientist, I believe the pendulum swings back and forth in education. The fads come and go. Personally, I believe it is time for more attention to the basics.

QUESTION: Are the early grades really the most important?

GUTHRIE: I'm old-fashioned enough to believe the earlier the grade, the more important it is. I understand that when some children don't learn to read or compute early, you can teach them later on. But I think after too many years they may have lost some opportunity to learn. If I had to make a choice about what grade to eliminate, I wouldn't make it the first grade.

QUESTION: It seems to me that one of the main reasons for poor learning is ineffective teaching. What are your views?

GUTHRIE: Historically, there have been various explanations for poorer school achievement. One of the earliest explanations given "scientifically" was I.Q. Because some children had low I.Q.s, they didn't learn. In the last twenty-five years we've moved toward a socioeconomic explanation. According to this explanation, some children don't learn because they come from families that don't prepare them as well for school. We are beginning to develop a third scientific explanation called "learning disabilities"–various kinds of organic, medical, and genetic explanations for why some children have trouble learning. Twenty years ago I don't think any of us in this room would have heard of the word "dyslexia" as an explanation for why people can't read.

Each of these three explanations probably has some validity to it. Still, the older I get, the more simple life gets for me. I still continue to believe it is reasonable to expect schools to teach every child something and that it is reasonable to expect them to teach almost every child to read and to count. Some will learn more slowly than others. Children who come from homes where the parents read and do numbers get reinforcement and develop their reading and numbers skills much faster than children from families that do not read, cannot read, and do not do numbers. It is possible that the teacher of those children who are moving more slowly practices her profession a little bit better than the one whose students are learning to do it at home. I'm convinced that with the brighter kids some of the teachers are performing at a lower rate, but the kids are achieving more because of their home background. I don't think you can look solely at the product in judging teacher performance.

QUESTION: Someone mentioned earlier the possibility of student assessment of teachers. I'd like to know what you think of that idea.

MURPHY: We do try to get students to give specific pieces of information about teachers' conduct. We don't let them give a general, subjective written evaluation, but we do ask them specific questions related to the twenty competencies. We read the questions to first graders and ask them to respond with smiling faces or whatever. We are trying to find out if the teacher seems to be prepared and if she keeps students involved in a learning task. We combine all the information and discuss it with the teacher. Frankly, these beginning teachers are quite interested in what their students say about them–very interested.

QUESTION: Is the state of Georgia doing anything like that?

CREECH: Not on a formal basis. I think you'll find in many school systems it's done informally by particular teachers.

GUTHRIE: Personally, I applaud the idea. I don't know at what time students are sufficiently mature and sensitive enough to know how to do it. Every year my oldest child accuses me of moving the appropriate age up one year. In Berkeley, part of our user-evaluation system begins at the ninth grade with students submitting a year-end evaluation of their teachers. We are moving to create something we call a "professional portfolio," and the teacher's evaluation every two years will be based in large measure on that professional portfolio. In it is an accumulation of student evaluations of that teacher as well as student test scores. The teachers may also put in evidence of their professional growth: writing they've done, curriculum development, video tapes of some unit they've taught, etc. But the onus of responsibility for being a good teacher is on the teacher. We say, "Every two years we're going to evaluate you, you tenured teacher, you. And we want you to put forth a bundle of evidence which we can consider, and part of that evidence above the eighth grade must be student views of your teaching."

QUESTION: Should professional boards composed of educators be established as a means of approaching teacher accountability?

GUTHRIE: I wish that teachers as professionals would exercise some control over entry into their own ranks. I don't think it will be a profession until they do assume that responsibility. If I could play despot, I would have a gradient of teacher credentialing. A teacher would begin as an apprentice, move to journeyman, and ultimately become a master. Each of those steps would require additional proof of ability and competence, and the transition from one stage to the other would be assessed by a board of examiners, part of which would be teachers. They would assess one another for promotion as well as dismissal. In other words, teachers would discipline their ranks.

QUESTION: Dr. Murphy, would you please comment on that same question in light of the DeKalb County project, the attitude you encounter there, and what you anticipate when you begin playing marbles for keeps in a program like this?

MURPHY: I agree with Dr. Guthrie that it's long overdue for the profession to evaluate, assess, and police itself. In establishing these teams I mentioned in our presentation, we have worked with over 200 teachers. They go into a beginning teacher's classroom and some assess and others, if needed, provide support for that teacher. As long as we keep the assessment and support together, assessment will be acceptable. However, if you're only going to evaluate, I don't believe it would be very palatable. Most of the people we have worked with have been fonder of helping a teacher work on a weakness than of assessing. But when provided the opportunity to do both, it has been acceptable to them.

QUESTION: Dr. Murphy, is the type of certification procedure you described going to be applied to all Georgia teachers?

MURPHY: There are several research projects concerning competencies and certification in Georgia. One which is being done through West Georgia College at Carrollton has to do with certification renewal for all existing teachers. Some other projects deal with the competencies of student teachers. There is now a project to do on a statewide basis what we have tried to do with beginning teachers in a local school district. Its headquarters are at the University of Georgia, and it is under the supervision of Dr. Schab and Dr. Johnson. After sampling the state to get competency lists like we developed on a local basis, they will develop a set of procedures. I feel this project will go beyond just beginning teachers.

VAIL: I would like to add there is a project doing exactly the same thing for school administrators: identifying competencies that relate to student learning.

GUTHRIE: American education is extraordinarily sensitive to fads: team-teaching, cross-age teaching, informal schools, the new math, the new science, etc. The present fad in some places is competency-based teacher education and performance-based teacher certification. At the risk of appearing rude and cynical, I could predict that five years from now, after many statewide studies of competency-based teacher education, you will be no better off than you are now. All this hocus-pocus isn't going to do one drop of good until you start rewarding people for being good teachers. A good teacher now makes the same amount as his less hard-working colleague in the next room. The colleague can't be fired; he's got tenure. Why should a good teacher work any harder? Who cares? Move in all the competency-based performance this and that you want. It won't change behavior.

My answer, admittedly, is complicated. I wish I could say pull this lever and heaven will appear. One answer is to begin to chip away at this upside-down incentive system which says, "It's cheap to be a classroom teacher—be something else." Another answer is to initiate a teacher evaluation system which includes students' test scores, i.e., user-evaluation. Establish a credential structure which pays more or gives more responsibility to those who give evidence of being more effective. But each of those steps is difficult scientifically and close to impossible politically.

SCHOOL FINANCE

THE POLITICS OF SCHOOL FINANCE REFORM

DONNA E. SHALALA

I'd like to talk about the politics of school finance—to give you a sense of the general trends.

The states have really won the debate about who should have the greater influence over the resources available for public education. They've also won the debate over who is going to influence the equity of the distribution scheme. They won, however, only after the effort to get the federal government to play a major role in school finance failed. After ten years of activity in Washington, school finance reformers are going back to their state capitols. The return to the states reflects the unwillingness, in my judgment, of the federal government to provide adequate redress for the inequities that motivated the reformers in the first place. Three pieces of evidence lead me to the conclusion that the politics of school finance is going to be fought in state capitols in the future.

The first piece of evidence is the failure to increase the federal role in financing public schools. Education has historically been a state function. This is a major reason why the federal role in education has always been limited. There has been ongoing debate in Congress about the extent to which the federal government should become more involved. While this issue was briefly resolved in the compromises that made the Elementary and Secondary Education Act (ESEA) of 1965 possible, it has not been permanently settled.

When ESEA was passed, there was substantial hope that the federal role in financing education would continue to expand and that revenues raised by the progressive national income tax would be substituted for revenues derived from the more regressive local property tax. This has not occurred. Federal aid represents no more of the total revenue for education this year than it did the first year of ESEA. Another expectation with the package of programs in the Elementary and Secondary Education Act—particularly Title I, which was targeted for poor children—was that those programs would reduce the differences in resources available for the rich and poor school districts. Title I has, in fact, had some equalizing effect. It has put more resources in areas with large numbers of poor children. However, neither the other ESEA titles nor additional federal programs have directed the greatest aid to needy pupils or districts. Consequently, the overall impact of federal legislation has not had the equalizing impact that many had envisioned.

While some individual congressmen have been concerned with this issue, notably Walter Mondale from Minnesota, Congress has not passed any additional legislation to get the federal government actively involved in school finance reform. The only congressional initiative in this area has been to reinforce the predominant role of the states. In 1975 Congress enacted legislation which would provide funds to encourage the states to develop and implement school finance equalization programs.

My second piece of evidence: the second possibility for federal redress would have resulted from a Supreme Court decision declaring the current system of school finance unconstitutional. That possibility was eliminated in 1973 by the Court's decision in *San Antonio Independent School District v. Rodriguez* that said a child's right to public education is not a fundamental federal right under the Fourteenth Amendment. However, the Court did suggest that while school finance arrangements in Texas did not violate the Fourteenth Amendment, it was possible that numerous other states' constitutions explicitly guaranteed a child's right to an education. Thus, a federal institution, the Supreme Court, played a very explicit part in strengthening the role of state government in education finance.

The third piece of evidence has to do with a national decision by the President of the United States. While it's not directly related to education, it strengthened the hand of state government. President Ford's decision in 1975 not to intervene in New York City's fiscal crisis with long-term aid or guarantees of debt instruments signaled to all local governments that states must first help their local jurisdictions before they can expect aid from the federal government. Thus, in my judgment, recent developments at the federal level have not contributed to achieving more equitable systems of financing schools.

Greater success has been realized at the state level. In the early 1970s more than a dozen states adopted new education aid formulas which were designed to further the goal of equalization. One factor contributing to state action was a series of state court decisions beginning with *Serrano* in 1971, heard by the Supreme Court of California. A number of state and federal courts have found systems of raising revenues for education to be unconstitutional. The U.S. Supreme Court's narrow five-to-four *Rodriguez* decision ruled that the Fourteenth Amendment did not prohibit states from relying primarily on the local property tax to finance public schools. However, courts in California, Kansas, New Jersey, and Connecticut have ruled that their respective state constitutions prohibit such systems of funding. In other states the threat of court action and the logic of these precedents have prompted citizens' commissions and public officials to consider changes in their public school financing.

The state debates have focused on two basic issues: how to raise the revenue to finance a new aid formula and how to distribute the resulting funds among local school districts. A major argument in these discussions is the traditional one about the merits of decentralization versus centralization. Reformers have maintained that existing systems based on local property wealth could not be justified and that the only way to remedy the inequities which resulted was through a greater state role, either by having the state provide a larger proportion of school revenue or by redistribution of locally raised funds from wealthier to poorer districts. Other critics have charged that a greater state role would reduce local control over education and the greater uniformity and equalization which it would produce would be that of mediocrity rather than excellence. In addition, such centralization might discourage innovation and result in educational programs that were not responsive to local conditions, to local desires, or to local needs.

The extent to which the fears of those opposed to equalization plans have materialized has depended on the nature of the formula enacted in each state. In general, the new plans that have been adopted have expanded local options for poor school districts, since previously their limited tax base had severely constrained their options on educational matters. It's hard to have flexibility if you have no money. In addition, in most cases only the revenue-raising functions have become more centralized. Expenditure decisions, about the total level of expenditures and their composition, still occur at the local school district level. The exceptions have been in those states which have imposed ceilings on local tax rates or on the rate at which expenditures can grow from year to year. Some of the more recently adopted equalization formulas try to be more sensitive to variations in local conditions.

Two attempts to deal with the problems of big cities and rural areas are of particular note. One has been to incorporate personal income into the wealth measure, and the other to use per capita rather than per pupil wealth measures. In addition, we've also had some success in building cost-of-living factors into our formulas. Thus, after many years of blanket formulas, local needs and resources are beginning to be taken into account. Other developments are likely to lead us further in this direction.

But the development of sophisticated and sensitive new aid formulas has not settled the issue of the relationship between financing and the governance of education. To date there has been very little empirical research in this area, but the available evidence suggests that control does not necessarily rest with the level of government providing the funds. The funding agency often has very little control over the use of its money. Everyone in the state legislature can attest to that fact. This may be particularly true for education because of the strong tradition of local control. Similar findings, however, have also been reported in studies of other functions such as welfare and health.

At the state level, state legislatures have emerged as the dominant policymakers in educational finance. Their move to center stage is a relatively new phenomenon. Until very recently, it was state education departments that took the lead on school finance issues. The change has come as a result of the court decisions that I referred to earlier, since in most states the development of a new and a more equalizing school finance formula requires the passage of additional legislation.

There have been two primary routes through which new school finance laws have been initiated: the state legislature or a referendum. Some have come out of constitutional conventions, but since these require voter ratification, it is essentially a referendum procedure. Proponents of change around the country have tried both routes. They have been more successful in state legislatures. My colleagues–Mary Williams, Joel Burke–and I have followed over the last decade all of the successful attempts to adopt new formulas along both routes.

Our study indicates that the state legislature is absolutely crucial in the effort to change the methods of financing public education. There appear to be both considerable similarities and striking differences in the variables which affect the fate of school finance measures when they are processed through state legislatures or through the referendum procedure.

The states have really won the debate about who should have the greater influence over the resources available for public education.

Four factors were seen to operate in the same fashion in both arenas: compromise, political leadership, the impact of events outside the normal sphere of education politics, and the state fiscal condition. A school finance measure in which the major issues have been worked out in advance among the various interested parties stood a much better chance of passage in the last decade than one where such compromises had not been reached and where the proposal represented only one point of view. Furthermore, the likelihood of passage was greater if one or more political leaders had adopted school finance as his issue–and if one or more leaders had played an active role in the movement for change. Both state legislators and governors had played such leadership roles in the states that were successful. While the existence of both compromise and political leadership increased the chance of success, neither was sufficient to assure it. Proposals where one or both elements were present were defeated in some of our cases.

Developments outside of the normal pattern of education decision making constituted another condition which aided, but was not sufficient for, adoption of a new formula. These developments included court suits; the lobbying efforts of national school finance organizations such as the Education Commission of the States, the National Lawyers Committee for Civil Rights Under Law, and the National

Education Finance Project; and the appointment of a special state commission to study school finance.

Most proposals for equalizing local school expenditures involved increases in the state level of funding for education. A decrease in differences between high and low spending districts can be brought about by either raising the expenditures of the latter, reducing those of the former, or both. For obvious reasons, public officials are unlikely to support either the second or the third alternative. Thus, most proposals call for the leveling up of expenditures in poorer districts. Hence, they require additional state funds. It is this need for additional state monies for education that makes the state's fiscal condition an important consideration. If a state has the revenue to finance a new aid system, then the conflicts and politics related to changing the school finance system are much simpler. The politics focuses on the distribution question, not on the revenue question. On the other hand, if new revenues must first be raised, then the conflict revolves around revenues as well as the distribution question.

When additional revenues are necessary to fund a new system, the tax structure of the state also represents a potential source of conflict. The potential becomes even greater if the state has only one of the two major state taxes–sales and income. Politically, our study shows that it is usually easier to raise the level of an existing tax than to impose a new one. As a general rule, people do not like the taxes they do not have. They prefer those already in existence. In addition, in states that have either a sales or an income tax, but not both, the rates on that tax as well as other state taxes and fees are likely to be rather high to compensate for the lack of the other major tax. This makes it very, very difficult to increase existing taxes. In states where this is the case, the debate over school finance may become subordinated to the conflict over taxes. This appeared to happen in several states which conducted referenda, as well as in New Jersey where the legislature was stalemated for months over the revenue issue.

There were two major differences between the results obtained through the legislative and referenda routes. The first was simply the likelihood of success. Chances of changing the school finance system were far less likely if a referendum was used than if the legislature was the final decisionmaker. A number of factors seem to contribute to the lack of success via the referenda route, particularly if the measure was put on the ballot through the initiative process. The primary reason is that these processes appear to deter compromise, which is critical in any political context. Referenda are usually framed by a single sponsor or a very small group of interests who circulate petitions to place a measure on a ballot and enlist the support of other interested parties only after the issue is already on the ballot. There is little or no attempt to compromise and build a coalition. Even when the legislature puts a measure on the ballot, there is less incentive to fully compromise than if the legislature itself has the final say. In addition, statistics on state constitutional referenda reveal that fiscal measures proposed by the initiative process are rarely adopted in any case.

That initiatives fare so badly is partly because they tend to be controversial issues: ones that have either already been rejected by the legislature or which the proponent thinks the legislature will probably not endorse. All the school finance measures we studied dealt with fiscal concerns, and nearly all the referenda we studied were proposed by initiatives. So they had two strikes against them from the start.

The second difference between the two processes—between going the legislative route or going the referenda route—is a function of the complexity of school finance reform itself. In the legislature a complex measure with a number of features and elements has an advantage. The multiplicity of ingredients affords a means of building support for the entire proposal by accommodating a variety of diverse interests. Our study showed that, typically, the final successful measure incorporated a number of topics that, at least on the surface, appeared unrelated to school finance equalization. However, these additional features were crucial to the bill's success because in most states sufficient votes were not available to pass a straight equalization measure.

The referenda process represented a very different situation. Here the complexity of the proposals may have contributed to their defeat in part because there had not been compromises before they appeared on the ballot. The multiplicity of features made it easier to form a negative coalition rather than a positive coalition for the proposals. Objections to a single aspect could result in opposition to the entire measure. Consequently, on each school finance referendum nearly every major interest group who took a stand on the issue opposed it, and usually each had a different reason. Support for the proposal was usually limited to one or two original advocates. Greater simplicity, therefore, might have helped some of the referenda proposals around the country gain more backers.

> *There are no easy ways to do it—no gimmicks. There will be no lottery substituted for long-term tax changes and new school finance formulas.*

Simplicity might have also forestalled a great deal of voter confusion, a condition which was exacerbated by the conflicting claims of the opposing camps. Fiscal issues are difficult to explain to the public under any condition, and the complexity of the measures that we studied increased that problem. The confusion and its impact could be seen in public opinion polls taken during some of the referenda campaigns. The proportion of voters saying they had no opinion or did not know how they would vote increased as the election drew closer. On election day it appeared that these uncommitted voters voted no, preferring the familiar to the unknown.

Events since 1973 have also pointed to the importance of the fiscal context of school finance reform. In the last three years, little has been accomplished around the country because the revenues to finance new plans were lacking. States generally have not had surpluses, and their revenue-sharing funds have already been committed to other areas. During this period, no state has implemented a substantial new school finance aid formula with the exception of New Jersey, which was under court order. In fact, the combined impact of inflation and recession has meant that at least three states which had enacted new formulas in the early 1970s have been unable to continue to fully fund those programs.

In this period of fiscal difficulties for state and local governments, states have essentially fallen into three categories: those which have had no activity at all, those which have examined the problem without concrete action, or those which have adopted a new formula without substantially funding it. In general, recent events suggest to me that the parameters of the debate about school finance may be considerably changed in the future.

Three factors will severely restrict the way in which the states will approach school finance reform in the future. First, the state of the economy and the impact of recession on costs and revenue will severely inhibit the amount of new money available to fund new equalization programs. The increasing tightness in state and local government budgets will mean severe competition for more limited funds among all the functions, including education. In the next few years, the politics of school finance reform may focus increasingly on the revenue rather than the distribution question. Second, many people expect the decline in school enrollment to lead to a reduction or a stabilization in educational budgets. Great political pressure will develop to reduce aid in light of enrollment decline rather than taking advantage of lower pupil-teacher ratios to improve the quality of education. And third, the near default of New York City may restrain future borrowing by school districts.

Local governments resort to borrowing for two reasons. First, they have to build facilities like schools and issue bonds which are the long-term debt instruments of financing. Second, for cash flow or seasonal borrowing needs, governments may issue notes–short-term debt instruments. The need for short-term borrowing results from erratic revenue patterns. State and federal aid as well as locally raised taxes often come in at irregular intervals. Teachers and other school personnel must be paid regularly, not simply when money arrives. To overcome low cash periods, local budget officials borrow short-term by issuing notes–and until recently, at very low interest rates. They issue the notes in anticipation of future taxes. The notes are purchased by financial institutions such as banks and resold to individuals or other institutions.

A major factor leading to New York City's crisis was that the city issued notes even when it knew there were no aid or tax revenues forthcoming. Like all investors, those who buy notes are concerned about the safety of their investments. New York City's misuse of short-term borrowing may well lead municipal investors, particularly individual investors, to search for other places to put their money, despite the tax-free interest aspect of a school district's debt.

The narrowing of the market is also the result of events which are quite independent of the New York City situation. In the last eight years, short-term borrowing has quadrupled, while long-term debt has doubled. This has meant greater competition than ever before for these funds. For larger districts which depend heavily on the municipal financial market for seasonal borrowing needs, it may mean higher interest rates or, at the very least, more competition.

Just as important, *who* buys bonds has also changed dramatically during this period. A recent congressional study reported that since 1970 there has been a decline in the proportion of the market represented by commercial banks. This is a particular problem for the short-term market where the large commercial banks are substantial investors. There are many reasons for the reduced interest of the large commercial banks. In part, they no longer need tax-exempt bonds because of recent setbacks in their real estate ventures. In addition, the need for more liquidity in their own portfolios will force them to diversify their holdings.

The responsibility for meeting the borrowing needs of school districts also lies with state government. The federal government has made it clear by its action in the New York City crisis that it will provide only the most minimal aid in the future. Available resources are dwindling. A new issue–borrowing–may be surfacing, and not simply because of New York City. That, along with the failure to achieve a substantial decision from the nation's highest court, will make the state-by-state process much more tedious for all of us.

On the other hand, the skills and resources of those advocating reform have increased. They have learned to use two new weapons–the courts and very sophisticated computer simulation–to further their goals. To date, we have even been able to build into those computer simulations very complex formulas for predicting what legislator votes would be. In Connecticut and New York, we have built into our simulation, on the side of the computer printout, a prediction of what the vote will be in the state legislature. We've done it essentially by assuming the state legislators will vote "yes" when their districts will get additional aid. In Connecticut we predicted the vote right on the button during the last fight on school finance formulas.

It is a simple procedure in which we match the school district lines to the legislative district lines, look seriously at where the legislator got his votes in his last election, and fit it into our simulation. When we run our simulation with the new distribution scheme, we count up what the votes might be in the state legislature. While some people have disputed the sensitivity of the design, the fact is that it has worked. At the very least, it's simply a computer substitution for the eye of a very skilled legislative observer.

In addition, after ten years of effort, a number of individuals located in universities, government, and private organizations have accumulated considerable experience on school finance issues and developed both political and finance skills. The task of the advocate for change is simplified because we can now focus on one level of government–on the states.

I know that my report is discouraging. But no changes are ever easy. What I have tried to say is that all of our available research tells us that if there is to be more fairness in the way in which we pay for our schools, it will come from our state legislatures. There are no easy ways to do it–no gimmicks. There will be no lottery substituted for long-term tax changes and new school finance formulas. We tried that in New York. There is a very famous story, in fact, about New York and the attempt to use the lottery as a way of raising substantial revenues to finance a new equalization formula In the end, the debate over the lottery came down to what the tickets were going to cost. Travia's people wanted more expensive tickets, and they wanted them sold in banks, savings and loans, and places like that. Nelson Rockefeller's people wanted nickel and dime tickets. They wanted them hawked on the streets–wherever they could sell them. Finally, Travia's people really got angry, and one of them said, "Look, we'll take nickel and dime tickets, we'll put the tickets in machines, we'll put the machines in the schools, and we'll let the little monsters finance their own education!"

I leave you with a final conclusion–there are no easy ways to do the kinds of things that school finance reformers are recommending. There is only hard political work to be done.

SCHOOL FINANCE IN FLORIDA

ROBERT T. MANN

The development of school finance in this country, to oversimplify, goes through the time in the nineteenth century when we didn't have any schools, to the time when everybody naturally assumed that providing education was a local community responsibility. As a consequence, the primary purpose of the first state laws supporting public education which developed in this country was encouragement. They tended to be laws providing matching funds for local communities which would undertake the obligation of supporting public education. It did not dawn on anybody in the nineteenth century, I suppose, that the ultimate consequence of that kind of state support of public education would be the exaggeration of inequality.

In the twentieth century, after the Great Depression, school finance became a state responsibility, because the finance formula which had been developed in this country left local units of government unable to cope with the rising cost of education. Property values as they stood on the assessment roles tended to lag far behind price levels as they stood in the market place. So, we had a rash of programs known as "foundation plans," the object of which was in keeping with the developing philosophy that every child should be guaranteed a minimum education. But this implied that the willingness of a local school district to finance public education beyond that acceptable minimum was a matter of local discretion.

In Florida we came to recognize that districts which were short on property but long on children had great difficulty. Our 1947 Minimum Foundation Program exhibited that weakness, although it was minimized by a fortunate historical accident. That was the wisdom of consolidating our school districts into county districts in 1947. I don't suppose anybody was aware at the time that county districts would eliminate a lot of the problems in Florida which are now being litigated in Georgia. As I understand it, Georgia has some city systems and some county systems, and obviously, when you affect the boundaries of a city, you almost invariably affect adversely the tax base of the county school system. Although we haven't had that particular problem, by the late 1950s and 1960s, we were encountering some severe inequities in school finance.

When I came to the legislature in 1956, I stated that I regarded federal aid to education as unnecessary, provided the state was willing to shoulder its proper share of the burden. As matters have turned out, federal aid to education has mostly taken the form of particular programs designed to redress inequities and is, in my judgment, an administratively difficult way to deal with problems of disadvantaged children. The continuance of something like Title I of the Elementary and Secondary Education Act (ESEA) makes it possible for states to consider school finance plans that treat pupils basically alike from an expenditure standpoint, although we do know that those pupils who are culturally disadvantaged cost more to educate than those pupils who get a great deal of education at home. So our finance plans have recently taken equalization to mean equalization of educational expenditure with some of the sophisticated refinements that speaker Schultz talked about (see p. 72).

In Florida we came to recognize that districts which were short on property but long on children had great difficulty.

Some of those refinements may be dictated by the county computer simulations Dr. Shalala discussed (see p. 43). For example, in our state you will find our cost-of-living index, which distorts these allocations by up to 10 percent, favors rich places like Miami and Fort Lauderdale and is designed to do either of two things, depending on your degree of cynicism. One thing it does is to account for the fact that salary levels, in general, are higher in Miami and Fort Lauderdale than in Fred Schultz's and my home town. As to the other thing: It was quite unlikely in that period that legislators were going to depart enough from their local interests to vote for something that was good as a plain matter of abstract morality, if there were not some compensating factors tending to make the system a good one for their locality. The cost-of-living index brings such factors into the finance plan.

Basically, the political reality in changing any school finance system depends upon another factor Dr. Shalala mentioned: It is very difficult to equalize down. Your best school districts cannot be expected to scale themselves down so you can eliminate inequality of education expenditure. This unwillingness makes it necessary for school finance reform to be undertaken with some view toward the expansion of existing revenues. Another fortunate accident that we had in Florida, which helped us in this connection, was a court decision in 1965 giving meaning to the constitutional language directing the assessment of property in the counties at full cash value. That decision, coupled with some millage limitations in the then existing constitution, made property taxes extremely onerous in most places in Florida. So we had to give very serious attention to property tax relief, and in the course of doing so people became willing to accept things which they had been hitherto unwilling to accept.

The result was a school finance formula which eliminated a great many of the inequities in educational expenditure. I don't want to deal with specific statistics. We have a tendency in Florida to distort statistics. People are always saying, for example, that we spend more than 60 percent of our budget on education, which is only true if you take the general revenue budget and omit from it all of the special trust funds like gas taxes. But the fact is education is a major item of expenditure in every state.

With due respect to those who would draw computer simulations to reflect the local, special, and personal interests of legislators, I do want to make this single point about the Florida experience, which has spanned a long period of years. We could not have accomplished school finance reform without the willingness of many legislators to set aside a minor intrusion into their district's self-interest in order to bring about a defensible program that was basically fair and equitable in the distribution of state and local funds.

Speaker Schultz pointed out to you that Florida now requires a tax levy of 6.3 mills. Let me leave you with this thought: When you require any given level of local tax support, in short, when you adopt a proposal which goes in the direction of district power equalizing or relies in part upon the taxing power of the local districts as contrasted with full state funding–you've got to have some mechanism for ensuring current and fair assessment levels because there is some built-in incentive for local governments to cause their assessments to lag behind those in other districts. So far, we have been reasonably successful in providing the mechanism for keeping this combination of local and state revenues coming into the system and flowing out into the school districts in a reasonably equitable way.

CAN SCHOOLS MAKE A DIFFERENCE?

ANITA A. SUMMERS

I'm going to talk to you about the results of an education study where the computer played a big role. One of the questions that always arises is, "How come the Federal Reserve Bank is doing studies in education?" Actually this was a part of the bank's general concern about urban public finance issues. Since education constitutes about a third of the budget of most large cities, the bank had a keen interest in such studies.

During the 1960s, a great deal of money was spent on education, in ways which were particularly designed to help the disadvantaged. But as the years rolled on, money did not seem to be helping the disadvantaged, and the question was why. Can schools make any difference when it comes to educating the disadvantaged?

Conflicting answers emerged. On the one hand, you had a large number of court cases sweeping the country that clearly indicated there were a lot of parents who thought education could have something to do with equality of opportunity. On the other hand, you had a rash of large-scale empirical studies, the first and most famous that of James Coleman. His study indicated that the impact of anything schools can do was barely important. A number of other studies approached the question from different points of view, but they were similar in their conclusion: schools were relatively ineffectual instruments when it came to educating the disadvantaged.

The question that interested me in 1971-1972 was, "Is the difference between the perception of the parents across the country who said schools can make a difference and these large, distinguished studies that said schools cannot make a difference due to something in the nature of the data and the methods we used to analyze it?" I think this is an example, by the way, of a situation where technologists and humanists need to come together, and when their perceptions differ, it behooves the technologist to go back to the numbers and ask, "Would the answers be altered if we used different data and different methods?"

Let me tell you very briefly about the two things we did differently in the Philadelphia study. There have been many, many studies which have looked at what explains pupil achievement. But they have tended, almost exclusively, to use school averages as data because they are easier to come by. For example, Coleman, who studied some 600,000 students in his sample, asked a question in which we are all interested: "Does teacher experience matter? Do more experienced teachers lead to greater student achievement? Yes or No." The data he used were the average years of experience of teachers in a school.

To make an analogy, it is as if we took the average height of people in this and the next room and got something like 5'7" and 5'8", respectively. Notice that there is very little variation when we do the average. This is because we have lost all the six-footers and all the five-footers in the rooms. They have not been registered in the data. What this means is that if you have very little variation in a statistical analysis, you're very likely to find that you get a "not significant" result.

So the question might be, "If instead of using average experience in school [and I'm just using that as an illustration], you found out the experience of Johnny Smith's teacher and the experience of Jane Jones' teacher, and you entered all of the experience levels ranging from two months to twenty-eight years instead of using the ten-year average, would you then find that some of the school inputs which had been found not to make a difference would, in fact, make a difference?" If you found that they still didn't make a difference, then you would have confirmation of the finding.

Secondly, though most educators I know believe in individualized instruction, these studies, amazingly enough, asked questions in a way which does not reflect that belief. They asked, "Are more experienced teachers better? For all students?" You and I know that we really do think different school inputs affect different types of students differently. The right way to ask that question, it seems to me, is: "Are more experienced teachers better for low-achieving students? Are more experienced teachers better for middle-achieving pupils? Are more experienced teachers better for high-achieving pupils?" You should look at the effect of resources in relation to the particular characteristics of the students. These two, then, are the primary changes in methods of using data that we set out to explore, and we did this with the approval and cooperation of the Philadelphia School District.

If I had more time, I'd be delighted to tell you, in exquisite detail, that it was not a simple matter. It took over a year and a half to put that data base together. Every step of the way was difficult. Data in general are not organized for use. We had many problems. One was the high school principal who, when we went to him for the reading scores of the twelfth grade pupils (as a matter of fact we had the reading scores, but not all the pupil data), said he threw out all files of students who had graduated more than a year ago. I couldn't believe anybody could just throw out a set of files. He gave me a long lecture on the importance of clean file cabinets, and said he ran a school that was clean, orderly, and tidy, and so all records more than a year old were thrown out!

After much agony was spent collecting another set of reading scores, we got a huge printout. By this time I had become very skeptical and had learned to print out a few pages of newly received data to make sure I had what I wanted. Well, when we printed that out, we had the name of every supplier of the school system, ranging from Acme Supermarkets to a plumber whose name began with Z. Every step of the way was hard, but eventually the data base came together.

We looked at education as a production process. This does not mean the Federal Reserve Bank and I are lacking in humanness and do not think of children as people. But it is essential—this is an important part of what I want to say today—to recognize that there is no way to look at large amounts of information except with some system. The output of this educational production process (that is, what it is you are after) we define as growth in achievement scores.

Genuine appraisal of aspects of the educational process needs a combination of general wisdom and modern assessment technology.

You have heard that everybody differs on what the output of the educational process should be. But it is also true that reading, writing, and arithmetic are regarded as major functions of education, and achievement tests try to measure these functions. Moreover, there is a second very important reason for using them—courts are likely to regard test scores as manageable criteria. Over and over again in the equality-of-educational-opportunity cases, plaintiffs lost because, in one form or another, the judges indicated there was no judicially manageable standard. That is the output.

We looked at several kinds of inputs: socioeconomic background, teacher experience, class size, etc. We called another category "school climate," which was determined through responses to such questions as "Does it make a difference if students are in a school with a higher proportion of blacks? With a higher proportion of high achievers? With more disruption?"

Let me give you a few sample findings. We did indeed find, as in all of the studies, that being of low income or being black was associated with less learning growth. But we also found schools could alter the learning growth of disadvantaged students through the things they control.

What particular school inputs or controls seem to be important? We found at all three levels of schooling that low-achieving students did best in smaller classes. Middle-and high-achieving students were not affected by having classes with up to thirty-three or thirty-four students. Incidentally, classes can't get much larger than that because class size is mandated in the teachers' contracts in the Philadelphia School District.

This is an example of the kind of issue we were out to clarify. You see, we found very strong effects for low-achieving students and no effects, really, one way or the other for the middle- and high-achieving students. If you mixed low, middle, and high achievers together in the data the way the previous studies had done, you would find class size made no difference. But if you examine it, targeting it to particular types of students, you would find it does. We also found that students did better in smaller schools, particularly at the elementary and senior high school levels.

A few words about the teachers. We found—and this was an astonishing finding—that in elementary schools, low-achieving students did best with relatively new teachers. They, in fact, did less well with the real pros. But middle- and high-achieving students did do better with more experienced teachers.

Now, no statistics can tell you why this might be true. But the finding did receive a lot of support as we went around talking about it. One of the theories was that a new teacher tends to be quite insecure. When a student is not learning very well, a new teacher is likely to worry about whether he or she is doing something wrong and try to readjust. The experienced teacher assumes the problem is with the student. Incidentally, this is one of the findings that got a great deal of attention. In Pennsylvania, where they had a state assessment program going, they ran this same statistical test with all 513 school districts—they had never run it this way—and to their astonishment got the same answer.

We also found that teachers, particularly elementary school teachers who came from higher-rated schools did, in fact, do a distinctly better job in increasing their student achievement. This would suggest this is not an irrelevant characteristic.

It's obviously important to know what school inputs don't make a difference, what kinds of things you are paying for and paying attention to that do not seem to be productive in terms of learning growth. What we found—and this is confirmed by many other studies—is that the physical facilities of the school, the age and condition of the building, the amount of playground space, and the size of the laboratories do not seem to affect the learning growth of students. That does not mean I'm advocating we go down to zero and let the buildings crumble, but within the range of observations made in the Philadelphia School District, no difference could really be found.

We found in our study that the National Teacher Examination score provided no information whatsoever on whether a teacher produces more achievement growth in his or her pupil. The Philadelphia School District, incidentally, has long since taken a dim view of that exam as a measure, and they just use a cutoff of 400—it goes up to 800. Anybody who scored less than 400 was not considered, but anybody who scored above 400 was considered, and no attention was paid to whether or not the score was 400, 600, or whatever. We find that even the cutoff is not particularly useful.

As to extra education of teachers, we asked, "Does it make a difference to the learning progress of pupils whether or not a teacher has taken twenty or more credits beyond the bachelor's degree? Does it make a difference whether he or she has a master's degree or a doctorate?" In terms of our data, the answer is no, although the extra education, it's very important to note, is highly rewarded in Philadelphia as elsewhere.

Let me give you an example of our findings in the area of "school climate." One of the questions we asked in this area was, "What is the effect of the proportion of black students in school on learning growth?" Let me emphasize here that there was and is no busing for desegregation purposes in the city of Philadelphia. We are looking at schools, whether they are one percent black or 99 percent black, which reflect the natural residential setting of the population. None of the racial ratios have been brought about by busing. No matter how many times I say that, it's very hard for people to accept. I was called by a reporter during the Boston crisis who said they were about to put me on the air to comment on our finding on busing and the effect of racial segregation on achievement. I said, "If you put me on the air, I will say that our study has nothing to say on the subject of what happens when there is busing." Busing introduces something new.

But what is the effect if the racial mixture comes from the natural setting? We find that all students benefit, that is, they have the largest learning growth in elementary and junior high schools which are somewhere in the fifty-fifty range. Our senior high school data were not complete enough to allow us to draw a conclusion in this area.

What we have found, all in all, is that some school resources do matter and some matter differentially, that is, certain types of resources matter only for certain types of students. Most important, perhaps, we find certain types of resources can be identified as helping the disadvantaged student, provided you look rigorously at the data.

Now a few words about the policy implications of the study.

1. I think some reallocation in education can occur which would use no additional resources, but which would indeed improve the output–achievement growth–of the educational system. For example, middle- and high-achieving students who are in classes of less than thirty-two are having money spent on them that is not productive.
2. Teachers' salaries fail, at least as they are now constituted, to accurately reflect productivity. Certainly the salary rewards teachers earn for extra credits of education are not matched by rewards in terms of student achievement growth.
3. It is clear, at least for the group of students we looked at, that schools which were more heterogeneous on the basis of their natural settings were better. This suggests that government policy which encourages

residential mix and income redistribution may have a significant effect on educational growth.

4. We find school can play a role in obtaining greater equity in educational growth. Some compensation for being disadvantaged can indeed occur. This suggests that the courts and legislatures have something more specific to look at than "Are all inputs distributed equally?" For example, if you accept the finding that smaller classes help the disadvantaged, then courts and legislators should be examining whether or not only the low achievers are in smaller classes. Placing middle- and high-achievers in somewhat larger classes would be equity. Having all students in classes the same size may be equal, but it is not equity.

Most important, I think systems analysis provides a useful way for all school districts to look at their educational processes. We are discussing the transmission of technology which is used in other disciplines, such as sociology, psychology, and history. For instance, I understand that you use a Georgia econometric model at the state government level. This is that sort of study. There is nothing new about the methods employed, but they have barely been used in educational inquiry and by individual school districts.

I see a great deal of difficulty in the acceptance of this approach. One reason is that superintendents of schools, heads of boards of education, and administrators in general tend to select advisors from among themselves who think as they do. Even American presidents select cabinet members who think as they do. To illustrate: When our children were young, we had two physicians: an internist who rarely used antibiotics and a pediatrician who used them readily. When one of our children was ill, my husband would say, "Dear, do you think Johnnie needs antibiotics?" On the basis of my answer, we would call the appropriate physician. That is something we all engage in. This is a natural tendency, but if good policy is to be developed, it is essential that we use people who have not all been locked into the same training and who are not thinking only as their superiors do. How else do you learn what is going on?

Second among the difficulties is that public policy officials face more difficulty in trying to achieve efficiency than businessmen. Businessmen have one great advantage: They have market systems and profits as signals. Profits automatically measure what the story is on the bottom line. People in the public sector who do not have this signal must still take into account an incredible amount of conflicting information, such as educational achievement, political process, and the interests of many different constituencies. How can this be done if there is no price system? It seems to me you must take advantage of what substitutes for price exist. These substitutes relate to the use of systems analysis. Not for a moment am I saying that is all that should be used. But, without that sort of analysis, there is no way of getting a grasp on the total complexity of the system that is to be made efficient and equitable.

I also see a big thrust in the direction of rigorous assessment activity. We are at the threshold of a new era of scarcity and restraint in which the difficulties of achieving efficiency in the public sector will no longer be papered over by constantly rising levels of prosperity. Genuine appraisal of aspects of the educational process needs a combination of general wisdom and modern assessment technology. This will have to be done. Legislators and the educational administrators they select help to do one of the most important things in this society: They help to establish the framework that determines each segment of society's ability to achieve its goal. Such an important responsibility needs to be executed by people with broad public policy insight, including among other things, I hope, an appreciation of the role of the modern technology of systems analysis.

THE FEDERAL ROLE IN SCHOOL FINANCE REFORM

THOMAS R. JOLLY

What I would like to explain today is the federal response to the question of equalization. It's not very encouraging, but I think we ought to keep in mind that most of the congressmen and senators involved in writing education legislation seem to feel the federal government really doesn't have a role in administering programs on the state and local level. In fact, the law specifically prohibits the federal government from becoming too involved in administering programs, even though that's not what most people believe when they read all the HEW regulations.

Keep in mind, as well, that the federal government is pretty new in the field of elementary and secondary education. The first major federal education law was not passed until 1965–a little over ten years ago. So Congress considers itself to be quite green when it comes to education. It perceives the twentieth century role of the federal government to be somewhat analagous to the role the states played in the nineteenth century, that is, a source of encouragement for new programs and of financial supplements for existing programs. Congress doesn't see itself as being in a position to tell a state, "Listen, what we think you ought to do is equalize your education expenditures throughout the state."

A further complication is the presence, since 1965, of several interest groups with lobbying expertise. Most of you have seen, I'm sure, the same kinds of interest groups at the state level. They have grown to be quite an effective coalition involved in congressional lobbying nearly twelve months a year. They not only watch the authorization laws but constantly lobby appropriations committees because that's the biggest battle to fight every year. We can pass wonderful-sounding authorizing legislation, but the appropriations committees may fund it at only 25 to 50 percent or not at all. These lobbyists from the special interest groups finally woke up a few years ago and found out it was not enough to come to Washington to get the Elementary and Secondary Education Act of 1965 passed and hear the congressmen say, "Fine, we voted for that." They found out what they really have to watch is how their congressman votes on the appropriations bills.

This lobbying coalition inevitably has something for everyone in it, and that's why it can lobby congressmen from New York City or Los Angeles as well as congressmen from rural southern communities. The coalition is now built broadly enough to have the kind of appeal that will attract enough votes to tack on an extra half-billion or billion dollars over and above what the committees will give them almost every year. But this is just the beginning. After the bill leaves the committees, it goes to the floor for the appropriations or the amendment fight; then, it goes to conference, which entails another fight; and then it must get through both the House and Senate. Finally, it goes to the White House, and then, if it is vetoed, back to Congress for a big veto override fight. Then if the veto is overridden, there are deferrals and revisions. Lobbyists are there all of the time.

These lobbyists have become, I think, a pretty closed group. They have formed a small and very effective club which has done some great and wonderful things for education, wonderful, that is, if you believe the federal government should come up with a few more dollars for education. But their interests are those of the individual groups they represent—the big city school districts; the National School Board Association, which gets its political base mainly from more conservative, smaller towns; the teachers' unions; the chief state school officers, who are the ones that state legislatures would be mainly interested in; different groups like the National Audio-Visual Association, a private industry that has a little bit at stake every time a bill is passed; the library associations; civil rights groups; and religious interests. These groups have the pie pretty well cut up, and their lobbyists don't articulate much of a desire to support any kind of federal mandate for equalization.

It has already been brought up several times that every time you talk about equalization, everyone feels that you're going to take something away from them. Equalization always gives somebody else more. Lobbyists feel if the federal government does get involved in equalization, it is going to be risky and all they'll gain is a chance to lose something. They're making great strides in getting more and more and more for particular programs, and they don't want to risk possibly having to give up funds they've fought for over the years. With that in mind, the federal government really hasn't felt very much pressure to do anything to encourage the states to use their federal money as an impetus for creating or developing an equalization plan.

One of the biggest drawbacks, of course, in almost every federal program has been the "maintenance of effort" clause, which normally means that if you want the federal money for whatever program it is designated for, you have to guarantee it is supplemental to money spent from state and local funds the previous year. If you don't accept it on that basis, you don't get it. It would seem logical that one of the best efforts to be made on the federal level would be to modify these "maintenance of effort" provisions. This could free money for equalization.

I think there are two problems there. First of all, the federal legislators feel that this is their money, and they want to keep some control over it. They are a little bit worried that if they start dumping it back without some kinds of strings attached, some state or local politician is going to say, "Fine, we've got this money from the federal level, we can cut back our taxes," and come out a real hero. It's just a normal political reaction to that situation, so I don't see any real federal encouragement to modify these "maintenance of effort" clauses in the existing programs.

The second problem is that even if you could convince the U.S. Congress that it would be a good idea, you would run into a real roadblock with these interest groups. They would panic, and since they are very well organized and know all the right people to talk to, it would be stopped almost overnight. I really can't think of any way the federal government can respond to the idea of modifying "maintenance of effort" clauses in the near future. The people who consider themselves to be great friends of education have stated, on the many occasions that the idea of block grants to the states has come up, that once the federal government is giving its fair share to education (and by that they mean about five times as much as it's giving now–or one third the cost of educating a child), they would consider handing this money over to the states and saying, "Fine, use it to educate the kids." But at this point, they feel the amount of money the federal government is willing to spend is so relatively meager that they intend to keep the appropriations on a categorical basis. They don't intend to make it available to well-intentioned states who would like to equalize their programs.

If equalization comes off, it is going to have to be through greater effort on the part of the states.

One final thing I should mention is that there has been one attempt to give block grants, and so far it's been a dismal failure. In 1973 Kansas and, I think, New Mexico came to the attention of the Senate. They said they had good programs of equalization and were very upset because states could not take impact aid money into consideration when allocating resources to school districts in the state. They felt that was quite unfair. They went to Senator Dole, who was not on the Education Committee, and said, "You've got to do something about this." A one-year agreement that became known as the Dole Amendment was put into effect. This waived the "maintenance of effort" for four states.

In 1974 the best effort that I have seen as far as attempting to get federal legislation which would encourage equalization was made with respect to this impact aid program. Some real friends of the program said, "It's constantly under attack. We're going to have to do something with it if we want it to continue. Let's try equalization with this one program." So they put into the law, as a part of the 1974 education amendments, some language which said that an exception could be made for a state that had in effect a program designed to equalize expenditures. But before payments under that part of the law could be taken into consideration, the term "equalize expenditures" had to be defined by federal regulation.

Two years after the law was written, the Office of Education proposed its first draft of the regulations. The congressmen who wrote the law weren't very happy with the regulations or with the definition of "equalize expenditures." The law itself mandated that equalization be defined before its provisions could be put it into effect, and the Office of Education, by failing to issue timely regulations, delayed implementation for two years. The few congressmen open-minded enough to give equalization a chance on this one program became quite upset with the HEW regulation writers. They had had a chance to come up with something everybody needed but had waited two years and blown it.

With that in mind, I have to repeat my rather unencouraging or discouraging message to you from the federal level. If equalization comes off, it is going to have to be through greater effort on the part of the states. If you want to do something in Washington, I'd say talk to your state board of education representatives in Washington and get them working on it. As you all know, legislators respond to pressure, and up until this point, pressure for equalization hasn't been as strong as may be desirable in Washington.

THE COURTS AND SCHOOL FINANCE REFORM

MICHAEL W. LAMORTE

I shall discuss the school finance reform movement which has been taking place in the courts during the last decade. To understand these suits, it would be most helpful to discuss the issue which most of these cases address, namely, the disparity in property wealth among individual school systems within a state. As a result of this disparity, wealthy systems, as measured by assessed valuation of property per average daily attendance figure (ADA), can raise more money per student than poor systems.

In discussing this, we must keep in mind that we are talking about property wealth and not income wealth. Often rich people, as measured by income wealth, live in extremely poor school districts, as measured by property wealth. For instance, when I ask people which is the wealthiest school system in Georgia, they generally say DeKalb County. I think they say this because we associate high income wealth with DeKalb County. Well, it turns out that DeKalb County is not one of the wealthiest. It ranks in the twenties, actually, of the 188 systems. It's a system such as Dalton's, which has many carpet mills and relatively few students, and a system such as Putnam County's, which happens to have a Georgia Power plant, that are among the wealthiest systems. I've also made a correlational study in our state which attempts to see if there is a relationship between property wealth and income wealth and I find it negligible.

It is this kind of disparity that produces an attempt in many places to go to court and remedy the situation. For instance, several years ago the poorest system in Georgia had an assessed valuation—and this is at 40 percent, by the way—of approximately $5,000 per student. The wealthiest system in our state had an assessed valuation per student of approximately $50,000. This resulted in an approximately tenfold difference. What this means is that the system that had $5,000 behind each student could raise five dollars per mill per child. The wealthiest system, on the other hand, could raise fifty dollars per mill per child. This is a problem we face all over the United States. There are wealthy school systems and poor school systems, and in the court cases challenging this it has generally been alleged that disparities in wealth make the quality of educational opportunity which a child receives a function of local wealth. Since education is a st[illegible] function, this kind of disparity is contended to be unconstitutional.

In 1968 and 1969 suits were brought in Illinois and Virginia which were based on the proposition that public school expenditures should be made on the basis of a student's needs. The courts in both of those suits rejected that claim and essentially held they could not get into the thicket of educational need because it was a judicially unmanageable concept. However, in 1971 the finance reform movement, via the courts, reached its zenith with the California decision mentioned earlier, *Serrano v. Priest*. That decision was based on the equal protection provision of California's constitution and essentially held that the quality of educational opportunity for children could not be based on local wealth, but rather had to be based on wealth of the whole state. The legislature was asked to remedy the situation.

After the *Serrano* case, suits were brought all over the United States, including Georgia, attacking state methods of financing schools. These suits were brought in both state and federal courts, and I might say that most of the suits were successful from a reform standpoint. Many of the courts adopted the rationale used in the California case. One of the cases, *San Antonio v. Rodriguez*, originally brought in a federal district court in Texas, wound its way to the U.S. Supreme Court, and in 1973 the Court in a five-to-four decision held that the Texas method of financing schools was indeed constitutional.

> *. . . there is little doubt that a great deal of school finance reform has taken place as a result of court action or threatened court action.*

Many observers thought the *Rodriguez* decision sounded the death knell for court-instituted finance reform, since the Court held a rather inequitable system of financing schools to be constitutional under the Fourteenth Amendment. In Georgia, for instance, we had a lawsuit that had been instituted by Whitfield County in federal district court, and that case was dismissed without prejudice as a result of the *Rodriguez* decision.

Before I go into some other cases, let me point out that up until the *Rodriguez* decision litigation did have a rather significant impact on the finance reform movement, since nineteen states passed major legislative reforms of their methods of financing public education. In our own region, these reforms took place not only in Georgia with the passage of the Adequate Program For Education in Georgia (APEG), but also in Florida, Kentucky, and Texas.

Success in two places, the *Serrano* case in California and the *Robinson v. Cayhill* case in New Jersey, resulted in a number of court suits being brought in state courts. Since the focus shifted from the federal courts to the state courts, I'd like to briefly review some of the activities in the state courts today and to also discuss the case that is pending in our own state.

Courts have required school finance reform in several states. The *Serrano* case has been discussed. As a result of that decision, reform legislation was passed in California. In New Jersey that court held the state's finance plan violated a state constitutional mandate to provide a "thorough and efficient" educational system Although New Jersey's legislature has passed reform legislation, court action has not ceased. The Supreme Court of New Jersey briefly closed public schools in New Jersey during the summer of 1976 and said they would not be reopened unless the legislature funded recently enacted legislation. The legislature did fund it, by imposing an income tax, and the schools were reopened.

In an interesting case decided by the Supreme Court of Montana, the court upheld what is essentially a forty mill statewide property tax, which includes a recapture provision. This means the revenue collected in all the school systems at forty mills is sent to the state; the state redistributes the money based not on how much money came in but on what the foundation program requires in each system. Lower court decisions also have upheld reform efforts in Connecticut, Kansas, and Maine, which has a recapture provision.

Three state supreme courts have upheld their state financing plans, and just recently the Oregon Supreme Court upheld a plan based on wealth disparity and a flat grant provision. We've also seen the Supreme Court of Idaho and the Supreme Court of Washington uphold those plans. Presently cases are pending in Alaska, Georgia, Kansas, New York, Ohio, and West Virginia.

Let me explain the Georgia case very briefly. Some of you who were on the Blue Ribbon Committee or the Minimum Foundation Program Study Committee remember the delegation from Whitfield County—namely, the chairman of the board of education and the school superintendent—asking the finance subcommittee of the Blue Ribbon Committee to consider recommending equitable school finance legislation. They had the map of Dalton and Whitfield County showing the extent of gerrymandering. Well, when the Adequate Program for Education in Georgia (APEG) was passed and the people in Whitfield County found out that the new plan under APEG was really not much different from the plan under the old Minimum Foundation Program of Education (MFPE), they reinstituted a suit. This suit, presently in state court, essentially alleges that both the old MFPE and current APEG are unconstitutional because the state does not provide the adequate educational program which is required. I'm sure most of you understand that Whitfield County has one of the poorer school systems in our state.

In conclusion, there is little doubt that a great deal of school finance reform has taken place as a result of court action or threatened court action. Reformers are going into the state courts, but I think it is entirely too soon to tell how that movement is proceeding and what will eventually happen.

QUESTIONS AND ANSWERS

QUESTION: First, is education a property tax-related service? Second, should education be a property tax-related service? Third, should our senior citizens, at some point, be exempt from education taxes?

SHALALA: Your first two questions are very tough to answer yes or no. On the surface my answer would be no. But pragmatically it is very difficult to find another tax that will raise as much money as the property tax.

You can also ask whether income is properly related to education. The most important question I think a state legislature has to answer is, "Is the measure of wealth that is being used to distribute money a sensitive measure of wealth?" rather than, "Is it directly related to education? Is it possible to build into a wealth measure and into these formulas the education dimension?" The property tax can be made more sensitive by relating educational need factors to it.

The third question is one of my favorites: "What can you do about the special problem of senior citizens?" They no longer have children in the school system and because many are on fixed incomes and simply cannot tolerate rising school costs and taxes, they often vote against local school referenda.

My group has tried to, first, recommend "circuit breakers" or property tax exemptions for senior citizens to solve this problem. But this is difficult in states with a tight money situation because it costs money. Second, we recommend the use of per capita rather than per pupil measures for determining the level of wealth in a community. When I worked in a number of northern states, we convinced the legislative leaders that the wealth of the community ought to be divided not simply by the number of pupils in that community, but by the total community population. This made areas with large numbers of older people look poorer. You have a larger number to divide into the wealth measure because you use per capita as opposed to per pupil. By using both the circuit breaker exemption and a per capita wealth measure in finance formulas, you increase sensitivity to the senior citizen problem.

LAMORTE: I think many of us in Georgia don't realize that we rank extremely low—approximately thirty-sixth—from a nationwide standpoint in the use of property tax as a revenue-producing instrument.

QUESTION: I infer from your (Ms. Summers) statement that you are suggesting teachers should be paid according to their productivity, and you dismiss all the things we normally use to increase teachers' salaries, for example, additional experience, additional courses, and the scores on the National Teacher Exam. I would like to know how we can go about paying teachers equitably.

SUMMERS: First of all, I didn't dismiss all of them. What I did dismiss was paying teachers for their extra education credits. That is something that, as you know, is built heavily into the salary scale all over the country. I surveyed thirty years of education journals for all the things we were looking at, and there is a fair amount of confirmation of the same findings in those studies. It's a finding of some strength. In Philadelphia, the superintendent of schools immediately felt the finding was consistent with his own views, which is why they were moving to more in-service training.

In the public service sector, I think we should be paying for productivity. I think whether we are talking about education, garbage collection, or recreational activity, we should attempt to measure as closely as possible. Output is hard to measure in services such as welfare. But a prime objective of education is to teach children in measurable ways. It's not the only objective–but an important one. Therefore, there is something we can do about measuring productivity in education.

As for teachers' experience–for which they are rewarded–we do find that experience does have some payoff. That's not something I would eliminate from the salary scale. Actually, the National Teacher Exam score, at least in Pennsylvania, is used as a device for hiring teachers. Once they are hired, it plays no role in their salary. The only thing I was dismissing was the extra credits for education.

There isn't any question that unions will object to it. The head of the Philadelphia Federation of Teachers stated to the newspapers the day after the study came out that there was no way that his union would ever accept a pay-for-productivity plan. Can you imagine in the private sector somebody saying, "There is no way I'm going to accept the notion of being paid for my productivity?" But we have come to accept that in the public sector.

As to how you can measure, that is the purpose of this whole method. The fact is, if you take a group of students and you "correct," meaning you put in whether they started as low achievers and so on, you can learn something about whether or not certain teachers get more achievement growth from their students than others. This may mean that a teacher who has a certain type of class may get far more rewards for increasing the reading growth of her students by one month over the year than somebody who had a group of very bright kids that increased by two years, because the first one had a tougher problem.

SHALALA: I would be cautious about over-reading statistical findings in making recommendations about public policy. And not simply because I come from a school of education and am reluctant to recommend elimination of extra money for additional educational study. I have enormous respect for this study in particular, but it says to me that at this point we still cannot measure the difference. That doesn't mean there isn't any, but at this moment our studies do not show that there is significant difference. There are other things that are more important in these studies. Before I would be prepared to recommend to a state legislature any place in the country that they eliminate this factor or that local or educational agencies eliminate this factor, I would want to go in and do my own independent analysis of the effects.

LAMORTE: Jim Guthrie (p. 5) reminded us that in many ways we've never decided what we want education to be or to do. Admittedly, many of us want part of the educational product to be students who learn to read and cipher. But schools do many other things. We are all painfully aware that the schools in our state recently have had a charge to desegregate society. That does not often come up on any measurement. We measure reading scores and other scores, but Georgia's educators have had an extremely difficult job in the last decade, and one that's difficult to measure. I would just urge all of you to look beyond test scores at some other things we've asked and will ask the schools to do.

QUESTION: First, Georgia is basically a poor state. Second, Georgia is one of the top states in the United States in the percentage of tax dollars it puts into education. Third, we are a high tax state. It's unlikely, as far as I can see, that we're going to be able to substantially increase revenue for education unless we either cut other programs or substantially increase taxes on a population that is already paying heavy taxes. In view of all the other financial obligations of the state, how do we do it?

LAMORTE: First, I would have to substantially agree with the three assumptions you make. I think that given the low per capita income we have in our state, we do a superb job in the schools. I think we've got a lot of dedicated people in the school systems doing an absolutely marvelous job. The concern I've addressed over the last several years has been with the distribution of funds currently available. As you know, Section 47 of the Adequate Program for Education in Georgia law is a "DPE" or district power equalizing provision. The latest data I have are from two years ago and show that if every school system in the state had lowered its millage accordingly, it would have cost the state fifty million dollars to institute the DPE program. That would have represented, however, a $50 million tax cut at the local level. Admittedly that cut would have had to have been picked up by the state with an increase in sales or some other tax, but it would have represented a reduction in the local tax. So I'm really not addressing your question except for the distribution aspect of it.

QUESTION: The thing that bothers me is that we legislators are constantly being hit on the head with the fact that Georgia is ranked forty-sixth or fiftieth in education surveys. But the people I talk to say they just aren't going to pay any more taxes.

LAMORTE: The revision I mentioned to you would be one of the tax structure. Local property taxes would be reduced, but the state would pick up the corresponding amount. The net would not be a tax increase.

QUESTION: I happen to represent one of those "rich" counties, and I put "rich" in quotations because DeKalb County is considered to be the richest county in the Southeast, to have the highest educational level in the Southeast, to have the highest per capita income in the Southeast, but our local school system cannot touch these resources. However, by substituting statewide sales and income taxes to support schools on a statewide basis, you put it to them both ways. That's not what I call tax reform.

LAMORTE: Again, I think you get to a situation of whose ox you are goring. Admittedly, a county like DeKalb would be hit harder by an increase in the sales tax and income tax.

SHALALA: I know of no constituency in this country that ever, when asked whether they would like their taxes to go up, said yes. Nor will a constituency give you advice on how to cut. We have had experiences where we've been honest about substituting one kind of tax for another, but the public doesn't quite trust us yet. If there is a clear-cut proposal that clearly substitutes a more progressive set of state taxes for property taxes, and people see and believe there are restraints from one to the other, it is at least possible to have some change.

MANN: I want to comment about correctly interpreting the figures Representative Harris gave us. In Georgia, almost two-thirds of educational expenditures are state funds. In Florida, to give you a comparison, we're spending 56 percent from state funds. There isn't any moral reason why a farmer in the corner of Whitfield County should not look upon the stores in Dalton in which he buys his groceries and, for that matter, the carpet mills inside the city, as part of the tax base which ought to support the schools his children attend. One of the things we eliminated by redistricting was that sort of controversy between city folks and country folks. On the other hand, I would add this caveat: When you have fewer and larger districts, you have the problem of keeping the sense of neighborliness or community which people have with respect to the schools. That is something we have tried to build into the schools by the addition of parent advisory councils and other things which allow people to be familiar with and express concern for not only a city or a county system but also a particular school.

QUESTION: Somebody on the panel was making a point about lotteries. I would like to have some information about states that have lotteries and whether or not they have contributed to the payment of educational costs. I would also be interested in Florida's experience with pari-mutuel betting in terms of its contribution to educational funds.

SHALALA: New York's lottery was originally instituted to help finance education, but they really didn't get enough money out of it. I think the first year's revenues were about $40 million–not much if you're spending $2 billion a year on your school system. It has been mostly incremental money for us, not more than 1 or 2 percent of total expenditures. I know of no one in the state-local tax business who believes user charges or lotteries are ways of substantially changing a tax system. They are ways of getting some marginal money if you want to start some kind of program.

MANN: Through some curious political accidents, pari-mutuel betting has had some effect on school finance in Florida. The only way horsetracks got into Florida in the first place was to distribute the money equally to each county. That is something which would probably not pass constitutional muster today. At the time, the extremely religious people in the counties thought that it was all right for Miami to have a horsetrack, provided the division of funds per county was equal. The eventual result was that these funds did constitute a very substantial part of the tax revenues of the small counties. In many of them it was divided fifty-fifty between school and county purposes. After legislative reapportionment, the fear that these funds would be taken away became so great that most of the small counties in Florida bonded new jails and courthouses to pledge those revenues. But this idea of supporting public schools from a lottery strikes me as very wishful thinking.

QUESTION: What do you generally think of allocation of specific tax sources to specific purposes such as education? I think some states, in order to perhaps get the public to go along with a tax increase, have found they have got to designate the money for a particular purpose.

MANN: I think that is a mistake. We have very strong lobbies, principally the American Automobile Association (AAA) and the truckers, who argue that user taxes should support highways. For example, these lobbyists want license tag revenues, which in Florida are subject to commitment to support education bond issues. We finance a great deal of our school and college construction with license tag revenues.

The AAA has always pushed to stop the diversion of user taxes, and my response to that was always, "That's a great idea. Now you help me draw the two bills." "What two bills?" "Well, one to stop the diversion of license tag revenues away from the roads, and the second to put the automobile back on the tangible personal property role." "Wait a minute. We don't want to tax automobiles as tangible personal property." And in Florida we don't.

So generally speaking, I think it is a bad idea to start all this earmarking, but it does have some obvious political ramifications which make it attractive under specific circumstances. Though from an abstract viewpoint, it doesn't make a great deal of sense. If we could back off from it, we would probably do it.

SUMMERS: Obviously, user charges are something which work politically, but then you are permanently tied to that allocation. For example, there are people who keep their personal budgets in a set of envelopes with so much for recreation, so much for food, and so on. That is fine if you are ready to be flexible when somebody gets ill or other things happen. You shift your envelopes around, in which case there isn't a lot of point to the envelope allocation. Here what you are doing is changing taxation through legislation, which is a slow process and it doesn't happen as quickly as events happen. You are locking yourself into the allocation among education, highways, and other functions of the state for a long time—way beyond what may be necessary. The proper legislative function is to review budget allocations. But if you lock yourself into user revenues, you are really not able to perform that function.

QUESTION: What is the ratio of state to local funds expended for education in Florida?

MANN: Ms. Summers tells me that 55 percent is the percentage of state funds in the Florida system. Our old Minimum Foundation Program, which was put into effect in 1947, contemplated a six mill contribution on the part of local units of government. It was recognized that tax assessments varied so widely that instead of determining what six mills would produce, we had an index of taxpaying ability. That was used to determine the local contribution to education the state would require. This sort of thing was so common among the nation's network of school finance experts that it may have existed in Georgia. It certainly exists in about thirty states which have adopted similar plans. We had a constitutional limitation of twenty mills, which became in time a practical ceiling because assessments were so low. What forced school finance change in Florida was this tension, and in a very difficult, frankly, bitter session, the legislature forced people to go back home and get property reassessment with the conscious knowledge that they were going to feel the crunch of property tax increases. This made the people very willing to undertake a complete study of the tax system as it supports education.

QUESTION: This 6.3 mills, is this a property tax in addition to the local county tax?

MANN: Well you see, our school boards are independent of our boards of county commissioners. The board of county commissioners is limited constitutionally to a ten mill levy, the school board is limited constitutionally to a ten mill levy, and each city is also limited constitutionally to a ten mill levy. Anything in addition to that is subject to a referendum. But our school finance plan contemplated that (a) 6.3 mills would be levied by each county to support the school finance system and (b) there would be some continuing supervision over the level of assessment to keep it both even and current. So each county is levying at least 6.3 mills and under the legislation has flexibility only to the extent of 1.7 mills of local revenue, which means they could go up to 8 mills to enrich the local program.

QUESTION: Does the 6.3 mills go directly to the state?

MANN: No. It is retained in the county but is basically considered a credit against state funds. In other words, the county gets less state money.

HARRIS*: Let me clear up those figures I gave you earlier. In the 1977 budget, we have $692 million of our state taxes, $154 million of federal and agency funds administered by the state, and about $400 million in local property taxes. So that's a total of about $1,246,000,000 of state and local funds going into financing education from this year's budget in Georgia.

SHALALA: That is about the size of New York City's deficit.

HARRIS: We could drop education in Georgia, then, and bail out New York.

QUESTION: Will declining school enrollment result in demands by taxpayers for a reduction in taxes which support schools?

SUMMERS: I am not an expert on educational demography, but what I do know is that in Philadelphia and the surrounding areas, taxpayers are now saying, "Certainly we shouldn't have an increase if there are these enrollment declines." The question is whether mandated education increases should be automatic. If you have automatic increases as part of teacher contracts in a period where you have an excess of teacher supply over demand, you will have far fewer teachers leaving. What you are in fact getting—and this is documented—is an older and older group of teachers. And you also have substantial increases locked into your educational budget.

SHALALA: I know of three reactions to the decline in pupil enrollment around the country. The first is pressure from the local community to reduce taxes. Second is the predictable reaction from the education community, which is "Now that we have fewer pupils, let us keep the same amount of money because we will be able to do more with smaller class size." The third is the mixed reaction from the states. Some states, which have "save harmless" clauses to make sure no district gets less this year than it got the year before, have tried to build in some sensitivity to declining enrollments through a "per-pupil" clause. In other words, you have the same amount of money you had last year, but on a per-pupil basis. You really get the same amount per pupil, but the total is less because you have fewer pupils. The success of this approach depends upon the part of the country and the strength of the unions.

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*Joe Frank Harris, panel moderator and member, Georgia House of Representatives.

Declining enrollment is going to be very complicated to do anything about until we have some big reductions in the number of students. Districts won't be able to handle a rapid decline because they have to keep the same senior teachers. It will get better when large declines close schools, but there will be tremendous pressure from the education community to maintain the level of expenditures.

QUESTION: We are losing a lot of teachers because of the pay scale, but I find that other states have the same problem. Are there any studies that have been done on teacher turnover?

SHALALA: I think all the studies are out of date because of the fiscal crisis. We did have some early studies. I remember the last time I was at the Georgia School Finance Conference, people were saying that Georgia used to lose teachers to Florida because of the pay scale problems. There are so few teaching jobs now in the country that all those previous studies about shifting because of salary scales are out of date. We have to have new studies to find out whether that is going on anymore.

SUMMERS: I don't know about studies across the country, but in Philadelphia the average turnover has dropped precipitously in the last few years because the teachers do not have alternative jobs.

SHALALA: I do not mean to indicate teachers should not get increases, but simply that the old argument that teachers are leaving for higher salaries because of the economic situation may no longer be true. People may be sticking with their jobs and not moving.

SUMMERS: I would just like to say I *would* want to use this as an argument for not giving salary increases. I do believe in supply and demand, and I do believe that salaries in general should be determined by what you could earn if you went elsewhere, which is a basic law by which most wages are determined. So I do think it is an appropriate factor. When the supply of teachers has increased in relation to the demand for teachers, it is introducing a monopoly power into the system not to allow wages to reflect that situation.

SHALALA: This is a classic argument between a political scientist and economist.

SUMMERS: Right.

HARRIS: I believe Dr. Joe Williams** has a comment.

**Dean of the College of Education, University of Georgia.

WILLIAMS: I wanted to comment on the question concerning the average turnover in the state of Georgia. It is still approximately 11 percent per year. We're still replacing approximately the same number of teachers now as we were five years ago. The state of Georgia has never produced an oversupply of teachers, which is quite contrary to the situation in most other states. We are training approximately 5,000 teachers a year in all the institutions combined, and we're replacing approximately the same number.

PUBLIC PERCEPTIONS

THE FLORIDA CITIZENS' COMMITTEE ON EDUCATION: RECOMMENDATIONS

FREDERICK H. SCHULTZ

I've been asked to explain to you the Florida Citizens' Committee on Education and the recommendations it made. In fact, most of the recommendations were written into Florida law, bringing about a massive reorganization of our educational system. So in addition, I will try to explain how this reorganization is turning out.

Having spent a great deal of my time in the state legislature being concerned about education, I wrote a letter to Reuben Askew, the new governor, in which I pointed out that we'd done a good deal in education in Florida toward equalization in terms of property tax reform and in terms of trying to improve school management. Yet the people in Florida were losing confidence in the school system. It seemed that we were putting in more and more money, but the results were not forthcoming. So, I recommended to him that we do a thorough study of the education system.

That spring Governor Askew introduced legislation establishing the Citizens' Committee on Education. Soon afterward, I got a call from the governor asking me to chair the committee. He caught me at a weak moment and I agreed.

We started in the summer of 1971 and submitted our final report in February of 1973. There were twenty-one people on the committee: six were legislators (three from the House and three from the Senate) and fifteen were laymen. They were people from all walks of life—businessmen, labor leaders, blacks, whites, men, women. There were no educators on the committee by design. As Robert Burns once put it, "O'wad some power the giftie gie us to see oursels as ithers see us." The idea was that we should have people outside education take a good, long look at education, while taking care to include all the professional input we needed. It was a massive undertaking. The report was the product of more than 100,000 hours of labor on the part of the staff, task forces, and those who testified before us. The report, without including back-up material, runs over 300 pages. Including the back-up material, it's about 1,200 pages. One hundred and four recommendations were made in the report, and more than 90 percent of them were enacted into law.

Our first step toward developing those recommendations was an enormous amount of reading. The committee began by really looking at the history of education in the United States. We went back to Thomas Jefferson with his emphasis on both equality and excellence, to Horace Mann with his emphasis on equality and mass education, to the first graded classroom at the Boston Latin School in 1848, to a thorough look at the little red schoolhouse, and then to the mass production of education around the turn of the century, which was in response to the great number of immigrants coming into the country.

We also looked at John Dewey, whose emphasis on learning by experience was later bastardized by the progressive schools of the 1930s. Most people forgot Dewey was a psychologist–probably the real founder of educational psychology. Those who came after him began to develop a theory of how people learn, but until Jean Piaget, the Swiss psychologist, began doing some work, nobody had any real idea of the scientific principles involved in learning.

By the 1940s, people like Jerome Bruner at Harvard and Ben Bloom at Chicago had become the forerunners of the movement that has been important in education today. There was a strong thrust toward egalitarianism and the idea education was a religion, the solution to all of our problems. Somebody has said that education has got to be the biggest rug we ever tried to sweep all our problems under.

Through the 1960s, innovation and technology encouraged people to think all you had to do was find the right technique and you had it made. The technique was variously called "team teaching," "differentiated staffing," "computer-assisted instruction," or whatever. Everybody was looking for that button to push, that magic wand to wave to solve all problems in education.

The 1970s, I believe, is the age of disenchantment with education. Test scores are going down, costs are going up, people are wondering what is happening. Twenty years ago, educational expenditures were about 3½ percent of the amount of money spent in the United States. They are almost double today. The resources are there, but the good results aren't.

The committee came to the conclusion that there was no Holy Grail in education, that no new technique was going to do the job. Clearly education was greatly overburdened. We had tried to make it solve all our problems, thereby putting it under great pressure. We were asking education to deal with problems resulting from the breakdown of family structure and widespread changes in values in the United States.

We found out that the educational system could not bear that burden alone. So we decided to back up and see if we could unburden education and make it more result-oriented. We developed recommendations in three general areas.

First, we said education should be individualized and performance-based rather than group-and time-based. Rather than looking at a graded classroom–thirty kids who were going to spend so many hours in class–it should be obvious to all of us that every child is different.

In order to individualize education, we changed our finance system. We changed from a minimum foundation program based upon the classroom unit to a weighted full-time equivalent system (FTE) system. In other words, we said, "Let's find out what it is that each individual child needs as far as education is concerned and then put a weight to those particular programs to see how much they cost." For example, vocational training takes more money than general programs, as does any kind of program for the handicapped. We weighted about fourteen different types of programs. Our finance system now takes each individual child, adds up the kinds of programs that he or she needs, and puts all of that together in the district to get a total amount of weighted FTEs, from which is subtracted the required local effort. In Florida the required local effort at the present time is about 6.35 mills. We assure equalization with an eight mill ceiling, which keeps rich counties from raising more. The required local effort is subtracted from the amount of money in the weighted FTEs to find the amount of state money required. We massaged that with a cost-of-living index, because it obviously costs a lot more money to live and educate in Dade County (that is, Miami) than it does in some other counties. This results in 90 percent equalization, a greater degree of equalization than in any state in the nation except Hawaii.

Somebody has said that eduction has got to be the biggest rug we ever tried to sweep all our problems under.

In addition to that, we have a comprehensive assessment program. Now, there are two theories about assessment. One is–and this is the one we thought was the most important–if you are going to individualize education, it is important to know each child's level. We thought testing would be a useful tool for teachers to use in comparing a child's achievement at the beginning, middle, and end of the school year. Assessment also gives you some bench mark to use in judging classroom against classroom, school against school, district against district, or the state as a whole.

Probably the most acceptable part of the program in Florida has been the financial system. The assessment program has been reasonably successful. It has been, I suspect, slightly more useful as a tool for comparison of schools or districts than it has been as a learning tool. I hope that will change. But this kind of thing clearly depends on the attitudes of teachers, principals, and district administrators. We think, though, that we are moving in the right direction.

I would warn you, however, that it is certainly possible to over-assess. You can test to the point of being ridiculous and, as a matter of fact, even the people who are supposed to be experts in the field don't know much about it.

Involvement is the second area in which we attempted to make a number of recommendations. Schools clearly were divorced from society, community, and parents. People didn't know what was happening in their schools. So we made recommendations to get more adults into the schools through volunteer programs and "Local School Advisory Committees." The legislature mandated that there be a local school advisory committee for each district, but committees could also be established at the school level if the school wanted them. Many districts have advisory committees at the local school level that are made up of parents, teachers, and people from the general school area. In certain cases, students also participate.

The local school advisory committee, among other things, is supposed to keep up with what is going on in its school and to help the principal. One of its specific assignments is to assist the principal in the preparation of an annual report of school progress. This annual report, which includes test scores and descriptions of innovative programs, is to give the community and the school district some idea of what's going on in that school.

The third area that we developed recommendations for is management, and I don't mean time and motion studies of education. I mean the ability to handle people. We thought it was crucial to look at the teacher as manager and professor. And we gave a lot of thought to recommendations that involved using teachers in the way they ought to be used. Most teachers spend 40 to 50 percent of their time on administrative or disciplinary problems and really don't have enough time to spend teaching. We proposed that not be the case.

After looking at hundreds of schools, we came to the conclusion that the best way to tell whether a school was a good one was to look at the kids. If they seemed to be smiling, active, and interested, there was something good going on there. In every case where we found that situation, we found a good principal. We concluded that the principal was the key manager in the education system. Therefore, we proposed a school-based management system which would give budget flexibility. The principal would become the principal-teacher rather than the administrator and would be given some administrative assistance. We proposed considerable district flexibility to move the decisions closer to the classroom. An enormous bureaucracy had built up in Tallahassee that didn't carry out the teaching function.

To carry out some of these new functions, we needed new training for teachers, principals, school board members, and superintendents. So we proposed a system of teacher centers. The departments of education at our universities tended to be somewhat inbred. They had a tendency to talk to themselves and stay within the boundaries of their own educational ideas. Now, Florida paid teachers more if they had their graduate degrees. So teachers went back to school to get graduate degrees not much caring about what they took, just about earning more money. With the large number participating in teacher education programs at our universities, we were spending an enormous amount of money and not getting much for it.

We recommended a new system of teacher centers that would be under the partial control of the departments of education in the universities. The school districts and teachers would also have control over in-service training. We emphasized in-service training rather than the training of new teachers.

The committee came to the conclusion that there was no Holy Grail in education, that no new technique was going to do the job.

The Florida Department of Education is now firmly committed to the system. They think it works very well. I have talked to a lot of principals who are using these things very effectively and love them. The ones who use them like them.

But those who don't use the recommendations point out the problems with them, and there are problems. They say, "Well, the local school advisory council just becomes a tool of the principal. He just uses it for propaganda efforts." That can be true. They say the annual report of school progress really means nothing. That can be true. You may have to dig to find the meat of it. Test scores do change and can be meaningful, but the principal has to be willing to point out their significance. The timing is probably wrong on the reports. They come out at the end of the school year when some of the information is not available. They probably ought to be distributed to the community at the beginning of the next school year instead.

Our community school program seems to be doing well, although we still have a long way to go in terms of effective teacher centers. It took a long time to change the thinking of people in education. Most people think of people in education as liberal. Well, they may be liberal politically, but they certainly are not liberal when it comes to education. They are the most conservative people I know, and change is very difficult for them. To some degree that's our fault. You know, we've tampered with them we've tinkered with them, we've passed so many laws concerning them that sometimes they think, "My God, if you'd just leave us alone, we could do a better job," and I'm not entirely sure they're not right.

The first recommendation I would make to you in Georgia is that the legislature go through the long, difficult process of deciding what you want to do with your educational system. That is not an easy thing. We spent three months trying to decide the goals of education. Somebody said, "Well, education is to develop productive citizens in a democratic society." Somebody else said, "Oh no. It's to produce happy people, people who can deal effectively with life." Others said, "Oh no, no. It's to deal with future shock to enable people to have the resiliency, the flexibility, the ability to think and analyze so that they can effectively meet the future." Others said, "No. Education is the process by which we pass our culture from one generation to another." Of course, all those things are accurate, but everybody has a different idea of the goals of education.

After three months of wrestling with the problem, I said, "Let's see if we can all agree on things that we have to do to improve." That turned out to be relatively easy. Everybody, *everybody* can come to the conclusion that you should be able to communicate and compute. Reading and writing and arithmetic—that much you have to teach in school. So, I suggest that you go through this process and that the legislature clearly spell out what it wants to happen in education in the state of Georgia.

My second recommendation is that you think in terms of a total system. Whatever philosophy you come up with in terms of developing your goals, you've got to think about what results you want to achieve. People will not continue to spend money for education because it's a great thing. Whatever philosophy you decide on, take that philosophy and make a total package out of it in terms of what you want to do. Don't take a little bit here and a little bit there, a little bit from Florida, a little bit from California, and a little bit from South Carolina, because that's not going to work. You've got to decide on a total system, a total package, and go ahead and accept the thing and make it work. It isn't all going to be beautiful. But I assure you that you're going to get a better system that way than if you start trying to do it piecemeal.

The third recommendation is to get more adults back into our schools. You know, I think we have decoupled our generation. In my opinion, the great problem that we had in the 1960s was the result of demographics: We had an enormous number of young people in school which made a strongly communicated peer culture automatic. At the same time society was developing new ideas, the family structure was breaking down, and we were looking to education to take care of these problems. As a result, a tremendous number of students were left rudderless. After all, adults are a resource of time. They do have certain experience, and if kids don't have that kind of resource to turn to, they can get into an awful lot of trouble. I think we have got to begin to bring these things back together. We've got to spend more time with our families. We've got to be able to give education some of the advantages of having more adults in the classroom.

There are a couple of ways to do this. Some people recommend that we shorten school days and concentrate on reading, writing, and arithmetic. The teachers could have more time to plan in order to do a better job, and we could use the excess time to get kids involved in the community.

Now, that system worked very well when you were dealing with the little red schoolhouse. When the kids got out of school, they were in a small town or rural atmosphere. They went into the community and each adult knew them. The kids visited the adults at their places of business, they saw them operating, they talked to them. Each of the adults had a responsibility for attempting to do something about the discipline problem. You had that kind of interaction. But in an urbanized society, that is difficult to do. I suspect that we're going to have to do it the other way. Rather than taking the kids to the community, we're going to have to bring the community to the schools. We're going to have to have more people share their experiences in a classroom setting. That is the way to teach values. Don't make a formal course out of it, just have adults there. After all, children need examples, not lectures.

Rather than taking the kids to the community, we're going to have to bring the community to the schools.

Finally, the area that we are least successful with in Florida is the area of governance. And I think it is absolutely crucial. I think it is vital that you have an appointed state board of education with real power, which in turn appoints a commissioner of education or state superintendent. I understand politically it is a very difficult thing to do. Nonetheless, you should have a state board of education that can take the whole package, examine it in its entirety, and develop cooperation. They should have time for new ideas. We need people who are going to spend a lot of time just thinking about where we're going.

In Florida our elected cabinet is our state board of education. The problem is they don't have the time to operate as a state board of education. In addition, the numerous recommendations on education the legislature passes into law get you into a lot of trouble. That's not the way you ought to do it. The legislature ought to set policy and let a state board of education, which has the time, implement it. Your department of education is too involved with the mechanics of trying to make this huge, amorphous kind of system work to be able to take on that kind of responsibility.

Finally, the state board of education can also help to change attitudes. That is crucial. This is where we are now having our difficulties in Florida. In the areas where people have the right attitudes about the new system, it is working extremely well. In the areas where they don't like it very much, the new system doesn't work as well. So it depends on people, and education is people. I don't think we can ever forget that. The only way you're going to change attitudes is to have sensitive leaders providing insight and direction.

WHAT PARENTS EXPECT FROM SCHOOLS

LILLIE E. HERNDON

I come to you as a parent who's been involved with education, primarily as a volunteer, over a long period of time. I'll try to share with you some of the ideas and some of the concerns I have heard expressed by parents in approximately forty states and in schools overseas operated by the Department of Defense for the dependents of our armed services personnel. I may also occasionally speak about a self-generated idea.

For whatever reason, many parents today feel shut out of their schools and from the decisions made regarding their schools In my opinion, vast numbers of parents do not feel comfortable in their child's school. I find this to be generally true among those people with low incomes. Often, I believe educators close out the noneducated parents' viewpoint. But I believe every parent has ideas about what they want in education for their children, and I think they have goals for their children. I would like to see them shared with educators so that the goals of the educators and the goals of the parents might be more closely allied.

Parents today are greatly concerned, in my opinion, about declining Standard Achievement Test (SAT) scores. They simply do not know or understand the reasons for this. Now I, as one parent, can speak in glowing terms about one of the reasons, which is the decreasing rate of boys and girls dropping out of school. Many children are remaining in school today whose counterparts perhaps ten years ago would have dropped out of school. Another reason is that in many states there are large numbers of perhaps the more advantaged, affluent children who have left the public schools and are paying tuition in private schools. Of course, all of this makes a difference in test scores, but to a concerned parent, it is not a satisfactory explanation. Any time I have an opportunity, I always ask educators to please give parents rock-bottom information on why they think the scores are continuing to decline. Parents are told today that the teachers are better educated, better trained, and better paid, and yet in many cases the day-to-day achievements of boys and girls do not prepare them to function in this technological world.

Another matter that is difficult for parents to understand is why, with declining enrollments, education continually costs more. Of course, I know we're beginning to hear that this declining enrollment is leveling off in some parts of the country. Still we have not been able to see any difference in the financing of education as it relates to declining enrollment.

Another major concern, I think for all of us, is more equitable financing of education among the various school districts within a state. This gives us all great concern. From my own state board of education experience, I know that this is a very complex issue, but I think it's one that deserves top priority. It is getting top priority in many states, and I know you're involved in it in Georgia.

Parents are in a real dilemma about the increased cost of higher education and about employment for their children when they graduate from college. Often, I believe, parents' concerns here can be dealt with in the secondary schools. Their children must be prepared to find employment if they are not able or see no need to go to college. But what makes it difficult are educators who continue to relate to parents the increased income their children would have if they finished college or high school. I am sorry to say that parents are not finding this to be the case today. Many boys and girls with college degrees are not finding suitable positions. We're told by the National Education Association that more than 100,000 men and women who graduated last year were not able to find teaching positions in their particular field. So I would hope that throughout our society we would begin to emphasize and to increase parents' appreciation of the other values of a college education.

Another area of concern is work-stoppages or teacher strikes. We see figures something like this: 2 teachers' strikes in 1965, 30 in 1966, 80 in 1967, and 160 in the first two months of the school year in 1975-76. It occurs to me that we should make a major effort to settle disputes without putting children out of school. The children suffer and their parents suffer along with them.

Just what in-service education does for teachers is a question also raised by parents. Parents know that in-service education is free time for the teachers. They want the teachers to have this time, but I believe, generally speaking, they want to be sure that this improves teaching once the teacher goes back into the classroom. Now I would hope you have no such problem in Georgia, but I go to very few conferences on in-service education where I do not hear about the poor quality of some of the programs offered and how the programs really do not benefit teachers. If this is not a problem for you in Georgia, I rejoice with you.

Now just a few simple suggestions from parents about what they expect and have a right to expect from teachers. They believe a teacher should know how to deal with an angry parent. Without intimidating the parent or without being intimidated themselves, teachers should know how to deal with parents when a highly emotional issue is involved. The kind of issue I am talking about is, for example, one involving a parent whose child needs special education, but the parent does not think the program entirely appropriate for that child. How does a parent secure any kind of change in that program? I am inclined to believe that often the parent who has been closely associated with a child needing special education has some ideas that might be helpful and that should be considered.

Teachers should know how to deal openly and candidly with parents about the strengths and weaknesses of a child without being offensive. I noticed that your superintendent of schools has said some of the test scores and results recently given to teachers should enable teachers and parents to talk constructively about what they can do to help improve those scores. Certainly, it seems to me that educators, teachers, principals, and administrators alike should be able to suggest to parents how they might be more supportive of the teachers and more helpful to the child.

> *. . . many parents today feel shut out of their schools and from the decisions made regarding their schools.*

All educators, I believe, need to remember that parents have a continuing emotional involvement with their own children, and it's very difficult for them to be totally objective. In my opinion, it's a very rare parent who can continually be objective where their own child is concerned in a conference with an educator.

One of the areas where I would hope we would continue to improve is in training educators to deal with community leaders so as to encourage confidence in and support for education. I am sorry to say that when I see educators functioning in the public arena, they are often their own worst enemy.

I also believe educators should encourage and not be threatened by the educational opportunities in the community outside the schools. Often an insecure teacher is threatened by outside opportunities and closes out these opportunities for students. I think things are improving, but not enough.

Teachers often need a better concept of themselves and more confidence in their abilities and skills. I think parents will feel more confident about schools when their teachers and administrators exude this confidence. It is more or less contagious. But I think confidence in education has to be earned, and in the vernacular I would say, "It's hard to come by." I don't know how you find it in Georgia, but in many places, many parents and much of the general public do not have the confidence in public education I would like to see them have. If educators do not have great confidence in their own potential and in the potential of their profession, I think parents never will. In order for the general public and for parents to perceive teaching as a cherished, highly skilled profession, educators must lead the way in their own perception.

Teachers need to be taught to be proficient and humane. We all have different ideas of what "humane" means. I mean teachers must be sensitive to the uniqueness of each student. They need to be aware of the personal experiences, interests, abilities, and problems that will influence that child's capacity to learn. Now I know this is asking for a lot. I know it's difficult to do, but I believe it's an important component of education that needs all of our energies. For most parents, it does not make much difference whether these skills are acquired in preservice education or through in-service education as long as the teachers acquire the skills. Administrators have a major responsibility in this area.

I told you at the outset that I come to you with no particular expertise. I'm a parent and a happy grandparent, and for twenty-six years now I have worked very closely with educators as a volunteer, a lay person. My children have often called me a professional lay person, whatever that is. I hope I will be able to continue to do this. I believe we are in a new day, when parents are very serious about being a part of the decision-making process that affects the lives of their children. Parents are not interested in usurping the legal responsibilities of school boards or administrators. They simply want to be heard before the decisions have been made. You know the theme for American education this year is, "The schools are yours. Take care of them." Generally speaking, I think this is what parents want to do, but in meaningful ways.

Now if you are thinking at this point, "This woman is very critical of education," perhaps I am. But there are reasons. I happen to talk with high school graduates who can't read or write very well. I see letters from educators with misspelled words, poor punctuation, and poorly constructed sentences. I was in a conference with a business executive in my town recently. He pulled a letter out of his desk drawer that he'd received from a high school graduate. There were five misspelled words in three paragraphs. This causes me to be concerned about what happens in education, what happens in our schools. I do believe schools should be making a great difference in the lives of children.

Not for one moment do I overlook all of the fine things that are happening in education. I know much progress is being made. I certainly wish you well in Georgia. I would wish for you what I would wish for my own state and for every state I visit: that the legislature would find and appropriate the necessary funds, that the educators would continue to evaluate, assess, and make every dollar count in the schools, and finally, that all of them would consider the advice and input from parents and the public-at-large.

SCHOOL DISRUPTION

DEALING WITH SCHOOL DISRUPTION

MICHAEL L. MARVIN

As I see it, the primary purpose of this conference is to present information that will be helpful to you as you formulate and develop your educational programs in the state of Georgia for more than 180 school districts and over a million students. In this session we are discussing those things which disrupt learning and which erode your tax dollars, but more importantly, I think, we are also looking at things that actually influence the safety of our children. As was indicated, I will be drawing primarily from the work that was done in a study for the Law Enforcement Assistance Administration (LEAA). It involved activities with national associations of education, phone interviews across the country, working conferences, literature review, and also review of federal programs in the area.

But first I think it is important to answer the question, "What are we talking about when we talk about school disruption?" And for that I will refer to what educators across the country have told us. (Now when I speak of educators, I mean superintendents, principals, teachers, students, university professors, and school security directors. I am using the term in a very general sense.) In addition, I am going to refer to the seven categories of disruption I think are the most important: (1) attacks in schools–assaults, rapes, and murders of students and staff on school premises; (2) weapons–the carrying of guns, knives, and other types of dangerous implements in the schools; (3) gang-type activities; (4) intruders–any outsiders, including drop-outs, truants from other schools, or unemployed youths who enter the premises and do harm to the staff or students or vandalize school property; (5) inter-group clashes, whether racial, ethnic, or social in nature; (6) vandalism–the wanton destruction of facilities, equipment, and student projects; and (7) fear of violence and disruption itself.

I can tell the story that was told to me by one father as he caught his son taking his lunch money and pouring it down his sock as part of his preparation for going to school. When asked what possible explanation there could be for that type of activity, his son, a seventh grader, confessed that at school the older kids would walk up behind the younger kids, stick their hands in their pockets, and say, "You don't mind if I take any change I find, do you?" That type of incident is totally unreported by any statistics. The father telling me this was the director of security for a large, middle-class, suburban, white community. As another example of the same kind of thing, one of the students participating in our conference from an army base school district said that when he was expecting trouble, he came prepared for trouble. Yet, he knew when he did that trouble was much more likely to occur. Thus the fear of violence and disruption can create violence and disruption.

Other types of problems singled out, but not focused on, were drugs, arson, bombing, theft, alcohol, extortion, false alarms, graffiti, insubordination, and prostitution. As a matter of fact, there was a girl recently killed in a suburb of Philadelphia, and in pursuing the case, they discovered a prostitution ring in one of the local high schools.

. . . the fear of violence and disruption can create violence and disruption.

The second question to ask is, "Is there a problem of disruption in the schools?" I really think there are very few facts that are needed to answer that question. We don't need to know what the definition of extortion is, for example, or whether it counts in this category or that category. What we need are some global types of information. Crime is perceived by members of communities in the United States as a number one problem. Very few people committing crimes are ever arrested. Of those arrested, very few end up in any kind of detention and, for that matter, very few are tried. Youths–that is school-age children from ten to seventeen–account for about 50 percent of all arrests for serious crime in this country.

Educational associations–particularly those of the school security directors, the teachers, and the principals–have been harping on this topic for years. Why? Because it involves their constituency. They represent those who see these problems daily. They are representing their needs and their concerns. In addition, parents have ranked discipline in the schools as the number one problem not just this year but six out of the last seven years. Not only has it been ranked number one, but those problems that are starting to show up as third and fifth and seventh in the top ten are related to discipline–violence, drugs, and intergroup clashes.

There are innumerable examples. School administrators from Oklahoma, which has many more school districts than you do here but with most having 1,000 students or less, picked this as the topic for their annual convention this year. Now you must realize that their problems are not as serious as you'll find in some of the larger cities or larger states. But nevertheless, they have seen the trend, and they feel the need to address these kinds of problems. The Education Commission of the States has reported that there were 110 proposals in a single year introduced in state legislatures in the area of school control and safety. Most of those, however, dealt with determining the extent of the problem. Two federal congressional committees are considering bills for safe schools. Already they have the Safe Schools Study Act, which authorizes the study and documentation of school crime. But these types of bills annoy me, because when I talk to people about these things, they say, "Where were you three years ago? Why are we doing another study? We need to get some action!"

Every category of crime has shown an increase in the last ten years and not of 5 or 10 percent, but, for example, of more than 7,000 percent in the area of assaults on teachers across the country over a five-year period. Of course, that rate of increase can't be maintained because the numbers are so high now, but the estimate is that there are over 70,000 attacks on teachers in this country per year. The numbers are much higher on students and much harder to document.

I've also just recently seen where the greatest increase in crime is now in rural areas. The urban areas have the highest level of crime, but crime is increasing much more dramatically in the rural areas—maybe doubling in the last couple of years. To give an account of something that received national attention in the news and before the subcommittee, I'll read a brief paragraph describing one small community.

> Stereos, tools, and athletic equipment disappeared from the premises in wholesale lots until school officials finally discovered that the thieves were six of their star athletes. A car belonging to a track coach was stolen, flipped over, and set on fire by students still unknown. A social science teacher was shot at twice in as many weeks. A chemistry teacher was assaulted in a school hallway by a student he had never taught. A 15-year-old girl attacked a basketball coach with a butcher knife, wounding him severely in the hands. Current school statistics indicate that one girl a week turns out to be pregnant. Drug abuse has reached epidemic proportions.

This scene and all of the incidents described occurred in Northwest Community High School in House Springs, a placid hamlet, population 400, in the hills of southern Missouri.

The trends are clear whether you look at it from the point of view of educational associations, parent polls, unifying crime statistics, or any of the other studies. Juvenile crime has been going up, and schools are no longer immune.

Before we can really address the question of what can be done about it, perhaps we should address the question, "Is anyone doing *anything* about it?" That was one of the questions we answered in our study. We found that the answer was yes. There are people in various locations who are trying to combat the problems as best they can. We found them in every region of the country and every type of community. We found them in all kinds of districts, whether they had one thousand students or hundreds of thousands. We identified four different types of approaches: (1) security systems, (2) counseling systems, (3) curricular systems, and (4) organizational modification systems. And what we found in each location was a different set of circumstances, a different set of capabilities, a different set of emphases.

Just to impart the flavor of what people are trying to do, I'd like to give you examples of each of these types. One southern superintendent in an urban-suburban district of 10,000 to 20,000 students was sustaining losses of over $200,000 a year from vandalism. He hired a school security director to address the problem. That school security director reviewed all the kinds of electrical hardware that were available and decided that the most economical way to do it was to use the public address system as the basic system because it was very inexpensive. He trained college students to monitor the twenty-five buildings from a single location in off-school hours. He established working relationships with the local police so that they would respond to calls that were reported by these college students. In addition, special devices were used for areas where expensive equipment was kept or where there was easy access to the building. In two years, the losses were cut in half, the number of incidents was reduced, and police were filing fewer forms.

Many other kinds of security exist, some for crisis orientation. It's incredible what some schools have had to lean on in order to address the problem. In racially troubled areas, they have set up programs of pairing black and white students to monitor the halls and help support the school security directors. Different kinds of environmental design reorganization can be done. For example, you don't put the basketball courts up against the windows and cause vandalism for no reason. Furthermore, there is no reason to design a building in a circle when other designs allow you more visibility from a security point of view.

. . . parents have ranked discipline in the schools as the number one problem not just this year but six out of the last seven years.

Another type of approach is a counseling program. I'll briefly mention one program out West where the school recognized it couldn't address all the needs of its students. This was a high school that had generated a tremendous amount of trouble both internally and in the community. A program was set up in which the school was the monitor and coordinator, through its counseling program, of all of the services in its area. It set up relations with police officers, probation officers, psychiatrists, social workers, and home liaison or parent groups. The time was donated by those agencies and coordinated by particular individuals from each of those agencies.

In that high school, crime and violence went down; there was only $2,000 worth of vandalism in the last year; and more than 90 percent of the troubled students remained in school. Not only did they remain in school, but their grades went up, their attendance went up, and their disciplinary referrals went down. There was also the intangible benefit of a better community spirit because they were all pulling together.

The third approach—curriculum instruction—can either be directed at individual students or it can be in terms of crisis intervention and diagnostic remedial work with the professional staff. There are a variety of those kinds of programs.

Organizational modification—the fourth type—generally means changing the role expectations of individuals in the school. One example of that would be the disciplinary review board which was established in a school district that had had three years of racial disturbances. The disturbances eventually were pinned on the fact that the students felt once they had been blamed for something, there was no way for them to have their grievances addressed. So a disciplinary review board was established to hear appeals from those who felt mistreated. The board was composed of three students, three parents, and three teachers randomly selected from those in the school at that time. All had equal votes, there was simple majority rule, and they could overturn any previous decision of the school. They used courtroom trial procedures. Any teacher could be selected to represent a student or the student could hire his own counsel. Students were not forced to testify against themselves, and a letter was sent to the parents, that had to be signed and returned, notifying them of the time and place of the hearing. A volunteer from the local bar association attended so that normal courtroom procedures would be followed, and the hearings were taped so they could be used in any further appeal that might be taken. As a result, mass disturbances went down and individual instances of problems did not increase.

We have identified over a hundred different kinds of programs. As you can see, there are programs of various types: some preventive, some remedial, some that will attack the effect, some that will attack the causes. There is no best program for any given school. They must be varied according to need. But there are people who are reducing or attempting to reduce vandalism and disruption in the schools.

As a result of the Research For Better Schools study we completed for the Law Enforcement Assistance Administration, we developed a recommended program for reducing school violence and disruption. The composite of the findings we based it on showed that problems in schools vary both in nature and magnitude from school to school and time to time. Due to this uniqueness, you've got to have a concept that allows a student or allows a building to focus on its specific problems. Furthermore, there are instances of practices and programs that do appear to reduce violence and vandalism. However, educators say, "We don't know how to do it. We need access to others who might be able to address our particular situation."

Then you get to the funding question. It's a very interesting one. All educators agree that they need resources just for planning. They need technical assistance. But many are saying, "We don't want to have additional funding for that. If we can't do it out of our own budget, then it probably isn't important enough for us to do." They are tired of the programs that have come out of the federal government that give you three years of funding and then eliminate the program, no matter how good or bad it is. They say, "Don't send me research and development. I can't wait the next one hundred years to decide whether it is going to do me any good or not. Don't send me paper. My desk is cluttered. Send me some quality people, some quality ideas, and a little release time."

Based upon these reactions, we set up a three-tiered recommendation. First, it calls for small grants to individual schools rather than districts, because a district can be 80,000, like Atlanta, or less than 1,000, like many of your county districts. Then, it involves the establishment of a regional center of some sort. This could be university based. It would coordinate activities, develop problem-solving procedures, develop an action plan, and also coordinate technical assistance in terms of the types of appropriate people. Obviously, you are not going to send a school security director in to help a school district that is trying to develop a counseling program. Finally, you need to have a central coordination center to identify effective practices, to ensure quality technical assistance, and to evaluate the effectiveness and efficiency of programs.

. . . to me it is not a question of whether you should do something but of what you should do.

The advantage of this recommendation is there is nothing new. It's a composite of techniques proven to be successful in the past. It is economical. No one can be in it for the money, because there is not that much money in it. It takes advantage of what is known but allows that knowledge base to grow as people have new ideas. And most important, even though it was done on a national level, it can be done at the state level, too. In fact, there are several states currently using or starting to set up programs right now. In addition, the National Education Association is using it as a basic model for working throughout the country with teacher training, and the Law Enforcement Assistance Administration, in cooperation with the Office of Education, is trying to set up private programs.

Before I end, I would like to make a few more comments. Everyone is predicting that the South is going to sustain tremendous growth. In the Sun Belt, ten billion federal dollars are now being spent in excess of federal revenues actually collected. People are flowing into the South. Crime and disorder generally increase as population density increases. You have a beautiful state, and I would hate to see it be ruined by this influx because of the lack of a plan to anticipate the changes and address the problems. It does not impress me that New York City has a deficit larger than the education budget of Georgia. To me, it is a shame. It is not a sign of wealth, it's a sign of the reverse. I would like also to suggest that before you get involved in the development of a program, you go out and visit your own school districts when school is in session. Talk to the teachers, talk to the kids, and talk to the administrative staff.

In summary, to me it is not a question of whether you should do something, but of what you should do.

FLORIDA'S TASK FORCE ON SCHOOL DISRUPTION

STEPHEN A. ROLLIN

I'd like to share with you the results of the Florida Governor's Task Force on School Disruption, some of the legislative remedies that Florida has attempted, and some evaluations of those remedies.

In 1973 Governor Askew felt the need to establish a task force on school disruption. It wasn't the Florida Department of Education, it wasn't the Education Committee of the House or the Senate, but it was the administrator of the state of Florida who felt that need. We think that is interesting.

We also feel one of the things that made the task force initially unique was that it was an attempt to bring together those people in Florida who were deeply concerned with the problems of school disruption. The task force included members of the university community, the staff directors of both the Senate and House Education Committees, the management of the Florida Department of Education, members of the Law Enforcement Assistance Administration state planning agency in Florida, and some local school teachers who were interested in the question.

The task force in its first phase was interested in addressing three problems: (1) Is school disruption a problem? (2) Who is disruptive? Is there any way of predicting what kind of student might be disruptive? and (3) What has been done nationwide or in Florida about the problem of disruption?

In relation to the first question, let me share a little bit of the methodology with you. We looked at ten counties in Florida, including Dade County, where Miami is located, and Gadsden County, which is among our smallest counties. Those counties represented about 80 percent of the population of Florida. We looked at 5,000 students, roughly half of whom were disruptive or had been considered disruptive by the school system. The criterion for disruption the school systems used and we used was the same—a child was disruptive if expelled or suspended.

We ended up looking at eighty-seven variables. We found as a result of our study that the single best predictor of school disruption was race. A black male in the state of Florida is twice as likely to be suspended as a white male. Forty-four percent of the students who had been suspended or expelled in Florida were black, although blacks made up only 21 percent of the school population. I need to back up and tell you that we only looked at high school students. We found the mean age for disruptive students was seventeen, which was very interesting because students are only required to stay in school in Florida until they reach sixteen. One teacher said they were just hanging around to give us all hell.

We found the next most significant predictor was reading skills, closely related to grade-point average. The next best predictor was the fact that a student had been referred to psychological services within a school. The last predictor was lack of involvement in extracurricular activities. Students who were not involved in extracurricular activities were more likely to be disruptive than students who were involved.

But, of course, you do run into double-bind problems. For example, students who are considered disruptive are typically not included in extracurricular activities. That tends to be part of the punishment. We've also found that a suspension for more than ten days in Florida is considered an unexcused absence, and ten days unexcused absence gives you an automatic failure in most classes in Florida counties. The student is suspended, has problems with academic achievement, can't participate in extracurricular activities. That doesn't leave much for him in school. As a matter of fact, the profile of our typical disruptive student was not that of a student who had successes in school. Just the opposite seemed to be the case.

We found the average student had been suspended for 7.2 days and that the 2,500 disruptive students we looked at had accounted for 18,000 lost school days. The average cost per students per day in Florida is five dollars. We also found in this phase one report that six to eight teachers were responsible for 80 percent of the referrals for suspension. Now being an objective researcher, I wasn't one to rush to make a judgment on that. Some principals said that those were the best teachers. "Ms. Jones won't put up with anything in her class." There were others who said, "Anyone can teach to the average. It's the successful and great teacher who can deal with those who aren't average, those who are potentially disruptive. Those are the teachers who can make school exciting."

Another thing we discovered was students were not generally suspended for carrying a gun or for the kinds of dramatic things that may be romanticized on television. In fact the major reason for kids being suspended in Florida was truancy. Now you don't have to be a behaviorist or an able psychologist to understand that if a kid isn't in school, if he chooses to be truant, it just doesn't make sense to punish him by not allowing him to be in school. We found that the second reason children were suspended from school was verbal abuse, that is, telling a teacher off. The third was physical violence, the fourth was general violation of school rules, and the fifth was smoking. The records didn't suggest smoking of what. In Florida less than one percent of the students who had been suspended or expelled were students who would be considered to have committed a felonious crime. Almost all of the children who were suspended in connection with the criminal justice system were children who had committed status offenses–who were incorrigible, truant, or who had run away from home. The movement nationwide, of course, is to remove status offenses from the books.

The second phase of our task force tended to do two things. First, it replicated phase one, and we found that our results were about the same. Moreover, the results were supported by studies done by the Office of Civil Rights and by the Southern Regional Council, which is headquartered in Atlanta, Georgia. Actually, our results were a bit more conservative in some instances.

In the other part of phase two, we looked at learning style. Was there any relationship between learning style and school disruption? One of the things we found was that the disruptive kid tended to be one who had difficulty with abstraction, who found the world a place where things were kind of concrete. When people like me write textbooks, we write textbooks that deal with abstractions. In fact, we probably believe the best way to educate other people is the way we were educated, and therefore, we tend to lose people who don't learn the same way that people in colleges of education learn. One of our suggestions relates to individual instruction. It is terribly expensive, but we spend twenty-five dollars a day for each state hospital patient and five dollars a day for each public school student in Florida.

In phase three, the last phase of our task force, we tried to look at the issue of cost. It was a very difficult issue. We looked at cost in relation to loss of FTE funding and in terms of future tax revenue for the state of Florida. We came up with a ball park estimate that Florida was losing, on a countywide basis, an average of $46,000 a year on school disruption. Now the problem with an average is that you have counties like Dade, which have well in excess of a million people, and counties like Gadsden, which have four or five thousand people. But if you were to multiply that average by sixty-seven counties, you would find that the loss of revenue in the state of Florida is pretty remarkable.

How can we put money back into the system? Consider the money and energy that goes into plastic windows and hardware that, in fact, challenges the imagination and initiative of students. As a reconstructed disruptive student, let me share with you an experience in my own school as an adolescent. I grew up in a small town called Brooklyn, New York. They had a problem with loss of windows. One of the games we liked to play in New York was stickball, and if you didn't hit the ball, you would throw the stick through the window. It made a beautiful hole. Well, what they did was put in plastic windows. Now when you threw a stick at a plastic window, it bounced off, but if you took a cigarette and put it against the plastic window, it made a neat little hole. Then if you took a one-and-a-half-inch firecracker and put it into that neat little hole, it made a beautiful explosion and was much more exciting than throwing a stick through a window. So, in fact, much of the hardware that we talk about using to stem the tide of school disruption provides an interesting educational experience for our students. I think this has been somewhat verified by the results of the

1968 Safe Streets Act. Hardware has not stopped the increase in crime in the United States. In fact, the opposite has occurred.

I'd like to spend just three or four more minutes sharing with you some of the laws that have been enacted in Florida that relate to the problem of school disruption. I'll go back to 1974 as a starting point. In 1974 there were basically three acts passed that dealt with disruption, although many more were introduced. One was called the Safe Schools Act, which provided funding to each county based upon its FTE s, with minimum funding of $5,000. The total funding for the act was $1,800,000. It specifically talked about hardware, but when we sent out letters of invitation to the counties, most sent back programs that dealt with training alternatives for kids rather than hardware. They didn't want guns or mace or closed-circuit television systems or cyclone fences. Some did, but most didn't.

The legislature also passed an act that year called the Florida Education Leadership Training Act (FELTA) which provided 50 percent matching funds from the state to local units of government for the training of principals. It was their feeling that the principal is unquestionably the kingpin, the fulcrum in any program that is going to make a difference in the schools. It is the principal who makes or breaks a school. Anybody who tells you differently doesn't know schools. We found that the kinds of programs principals were interested in related to conflict resolution, crisis intervention, and human relations. These programs were sponsored throughout the state.

In 1975 two additional acts were passed. One was called the Student Responsibility Act. That act required the Florida State Board of Education to develop a guideline governing student conduct and discipline. It also mandated district school boards to establish procedures which would provide due process to students in relation to suspension and expulsion. This code was to be published widely by each principal and developed at the local level. The law went further to remind school boards of their Fourth and Fifth Amendment responsibilities. That tended to be the kind of legislative action going on in 1975 in Florida: development of student rights and responsibilities, statements of student privileges, and so on.

In 1976 a larger bill called Student Responsibility-Discipline was passed. It restated the need to establish rules of conduct and discipline for all students. These rules take effect during the 1977-1978 school year. One of the problems with the 1975 act was a student could go to the board of personnel. Under the 1976 law, a student has to go through a list of suggested remedies starting with his principal and going up through the regional supervisor, the superintendent, the school board, and finally the courts. So the due process system has been laid out for students. In addition, students have the right to counsel. Some of us feel it is interesting that anybody has to say that. There have been a number of court cases which have identified the fact that students are people and therefore entitled to full protection under the Constitution.

The last bill I'd like to talk about became law in 1976. It authorizes superintendents and principals in cases involving truancy and suspension to request parents to attend courses in "parenting." The legislature is now saying that maybe part of the problem is parents. Isn't it interesting that you and I had to go through some kind of training to drive a car, but anybody can be a parent? What the legislature is suggesting is that maybe parents who have fallen down in that responsibility need some remedial help. We have remedial reading, maybe we need some remedial parenting. A principal can suggest that under the law.

Another part of that law makes parents liable for damage to schools and school property. A parent whose child engages in vandalism is now liable for the cost of that vandalism. Recently in the suburbs of Chicago, in a rich, bedroom community, a parents' compensation ordinance was passed, and the incidence of vandalism was cut in half within two weeks. That is dramatic. Maybe folks really have more influence than they think they do.

You can put a plaster on poison ivy, but if you keep on sitting in the patch, you're going to continue to get poison ivy.

I want to mention one last thing which has been happening in Florida. Two years ago, there were probably not more than a dozen alternative school programs in Florida. There are now ninety-seven. The vast majority of them are supported not by Law Enforcement Assistance Administration, not by the U.S. Office of Education, not by the Carnegie Foundation, and not by the Ford Foundation, but by local tax dollars. Local school boards are saying that something needs to be done. One of the things that offers me a lot of hope is that these alternative programs, by and large, are not warehouses, but reasonable alternative programs. The problem is we don't really know what to do. We need to know what succeeds, what to replicate.

There is a famous example in Florida of the Beggs School in Pensacola in Escambia County. It was a great success. A number of counties tried to emulate it and failed miserably, and no one seemed to know why. Then the director of the Beggs Center resigned to move on to a better job. Within a year, the Beggs School was burned down. We found the reason Beggs School was such a success was the director was a very charismatic individual to whom the kids could relate. When he left, the school had no substance anymore. We need to know what makes the difference, what it is in alternative programs that helps kids out.

I want to address one last issue. We don't need to know, and we don't need to be scared of the fact that there is an increase in crime. What we need to know is that it, in fact, tends to be a symptom. The challenge, ladies and gentlemen, is in determining what the problem is. We can spend a lot of time scratching the itch, but is the itch a mosquito bite, hives, or poison ivy? All we know is that we have an itch. The challenge is to deal with the reason for the itch and not simply with the symptom. You can put a plaster on poison ivy, but if you keep on sitting in the patch, you're going to continue to get poison ivy. We need to find a way to deal with the poison ivy, not just with the itch.

DEVELOPING A DISCIPLINARY POLICY FOR THE ATLANTA PUBLIC SCHOOLS

EVELYN C. TURNER

I would like to give you some background on the disciplinary policy of the Atlanta schools. It is a developing policy. The idea, the general plan, has been accepted by the board, and we are now in the pilot phase. Incidentally, I am not speaking for the discipline committee today, I am just speaking for myself. The committee was appointed by Dr. Alonzo Crim, the new superintendent of the Atlanta schools, who held public hearings to learn the needs of the schools from his constituency. At these public hearings, discipline emerged as one of the major problems. His appointment of the Commission on Accountability, Discipline, and Students' Rights and Responsibilities resulted from those public hearings.

There were fifty of us appointed to the commission, although very few knew exactly why they were appointed. Seven constituent groups were represented: businessmen, parents, students, teachers, and various types of community leaders. All of us were volunteers, though some worked at the pleasure of the administration.

The plan developed in four phases. The first phase was a research phase. We studied thirty-two documents from systems the size of the Atlanta School System. We sent a questionnaire to those seven constituent groups with a 2,000-member sample. We researched the literature and talked to all kinds of groups, some by telephone. Dr. Crim told us to find out everything we could and then to be ready to make recommendations.

One of the basic principles we accepted was that positive reinforcement is better than punishment. Another was that the most important thing that happens in school happens between the teacher and the student. Everything else the school system does should support that teacher-student relationship. A third principle was that any policy we developed should account for the rights of all the members of the school community.

The second stage was the development of administrative rules and regulations. We developed a format that addressed itself to the rights and responsibilities of those seven constituencies I mentioned earlier. I would like to read you an example:

> The student shall have the right to bring to the attention of his teacher, his principal, or other persons conditions that adversely affect his right to learn, through the use of an in-school grievance system. The student shall utilize the grievance system in a constructive manner and make every reasonable effort to provide suggestions as to how the adverse conditions may be overcome.

As for the teacher's rights,

> The teacher shall have the right to bring to the attention of the principal or other persons conditions that adversely affect his right to teach, through the use of an in-school grievance system.

The teacher's responsibility, like the student's, is to

> . . . utilize the grievance system in a constructive manner and to make every reasonable effort to provide suggestions as to how the adverse conditions may be overcome.

Those are examples of how the rights and responsibilities of different groups were addressed.

One of the basic principles we accepted was that positive reinforcement is better than punishment.

I want to tell you something we all learned through an example: We all bring our preconceptions to everything we do. We've been reared in different circumstances, we have different feelings about things, and we all have prejudices. On the day I want to talk about, they had just selected me as the convener for the writing committee, that is, as the person who keeps other folks working. There were five students on the twenty-member writing committee, three boys and two girls. We had all gathered around a table when this young, handsome, black man strolled in with a three-inch Afro, a black leather jacket, and white high-heeled shoes. He came into the room with his hands in his pockets. He didn't look right or left and didn't smile. All the seats were taken except one at the head of the table. He took that seat. He scrunched down in the chair with his hands in his pockets and stayed that way for about an hour. I said to myself, "Oh, my Lord."

His name was Octavier, and I'll never forget him because one of the persons who made the biggest contribution to that group was Octavier. Octavier's subcommittee was responsible for writing the students' rights section. I remember the discussion well. When they presented their proposal to the group, we batted questions around, argued, and did all the things you do when you are trying to reach a consensus. Finally, Octavier sat up and said, "What's wrong with this group is that nobody thinks about *teachers'* rights." Well, he could have asked for a pot of gold right there, and he would have gotten it if we had had it. That is just an example of the kinds of things that most of us never learn about other human beings unless we have a chance to work with them.

Phase three covered administrative implementation procedures. Those procedures were divided into four sections: (1) administrative structure, (2) a behavior code for students, (3) prevention of discipline problems, and (4) corrective procedures. We felt that all of the other things should precede correction because if we did it right, we wouldn't have much to do in the correction section.

The administrative structure that was proposed by this committee involved only one kind of person the system did not have: a discipline administrator. The job as we saw it was to facilitate communication between administrators, principals, parents, and students that would bypass the bureaucracy. We saw this person as a strong, competent person who knew how to deal with diverse groups, who knew how to listen and to help, but who did not need permission from the superintendent to act. We wanted this person to be very visible so that even the lowest person in the system could get on the phone and say, "I have a problem." The plan called for this person to have a staff composed of members of the different divisions in the school system: psychological services, personnel, and staff development. The only in-office staff would be clerical. But semantics got in the way, and this is the one section that has not been implemented yet. That is why I am here talking to you as a cochairman of the administrative ad hoc committee. We have no administrator and may not have one in the role as defined by the discipline committee.

The other part of that support system was area staff and community council. The key to the whole thing was the local school discipline council, which would operate much as the big committee has operated. It would be a permanent council with cross representation that would formulate local regulations for a particular school and a particular community within the framework of the general guidelines.

The student behavior code was done by a special subcommittee. It has a comic book format, and we think it is just great. We did it in two parts. We decided that the young kids needed something a little different. The second version uses exactly the same format, but it is written for kindergarten through third grade. We hoped that even kids in the system who could not read well would have an idea of what it was about because they could see the pictures. Communication was basic to everything we did, and we hoped that the student handbook would satisfy that criterion.

We are now in the last phase, which is the pilot program, with the mechanism being the student handbook itself. One of our objectives is to make sure every family and child in the pilot schools have a copy of the "scoop book." The data we collected were built primarily around two questions: (1) Is the scoop book any good? (2) What are the other needs regarding discipline? The results were analyzed by the research department over the summer. Parents and students generally had favorable comments about the scoop book itself. They said things like, "I like it because I can read it." "The kids like it." "Even my kindergartener will see the pictures and understand it." Generally the scoop book was received favorably by teachers, too.

We feel that we're on the right track and that better communication and understanding will solve many of the discipline problems in the Atlanta schools.

SCHOOL SUSPENSIONS: DO THEY MAKE SENSE?

M. HAYES MIZELL

Last year a national advocacy organization named the Children's Defense Fund (CDF) issued a report on out-of-school disciplinary suspensions, which included extensive data indicating that the use of suspensions is a widespread disciplinary practice in school systems throughout this nation. The data in the CDF study were accurate because they were based on information from the Office of Civil Rights, which received its information in turn from the school districts themselves.

That data revealed that during the 1972-1973 school year, 3.9 percent of all the public school students in the state of Georgia had been suspended at least once for disciplinary reasons. Georgia ranked nineteenth among the forty-seven states surveyed. But when one looks at the data for individual school districts in Georgia, it is clear the suspensions are much more extensive in some districts. For example, in Clayton County, 6.5 percent of the students were suspended; in Henry County, 7.8 percent of the students; in Chatham County, 12.4 percent of the students; and in the Waycross City District, suspensions represented 20.6 percent of student enrollment. In all but one of these districts, a significantly greater percentage of black students was suspended than white students.

Let me hasten to say that suspensions affect black and white students alike. Throughout this nation, the CDF study found that more than one million school children had been suspended at least once during the 1972-1973 school year. Clearly, this is a national problem. The data reveal that the use of the short-term suspension as a disciplinary technique has become so widely used on such a frequent basis and has such a disproportionate impact on minority and low-income students that it should be closely scrutinized wherever and whenever it is used.

Some basic questions need to be asked when we are discussing suspensions. Why are suspensions used? Do they do what they are purported to do, that is, improve school discipline? Are they administered in such a way or with such an effect that their use appears discriminatory? And of course, most important of all, are they helping kids and are they helping schools?

Let's look at and respond to some of the most frequent reasons we hear cited as to why suspensions are necessary and why they are used. We hear, "Well, suspension is the only tool we have to get these disruptive students out of school so that the students who came here to learn can get an education." That statement evokes images of unruly students throwing chairs around the classroom, hitting teachers, setting upon other students in gang attacks, roaming the halls, and bursting into classrooms and taking them over. As we have heard, certainly such incidents do occur. The questions are: With what frequency do they occur, and do such incidences have anything to do with the vast numbers of suspensions that are imposed in schools?

The fact is that, while there are certainly problems in schools, there are not widespread daily disruptions of the magnitude described above. When they do occur, they are clearly of a criminal nature, and the students involved are usually expelled or placed on long-term suspension. They are not given suspensions of ten days or less. The overwhelming number of short-term suspensions are meted out for nonviolent, nondisruptive offenses. These range from such offenses as smoking and wearing a hat in class to something called "serious misconduct"–or as I saw in one high school student handbook, "conduct unbecoming of this high school," whatever that is.

Large numbers of suspensions are imposed, as we have heard, for cutting class and truancy, surely one of the most illogical disciplinary practices in the public schools. The CDF study found that in the first quarter of the 1974-1975 school year in DeKalb County, for example, 33 percent of suspensions were imposed for cutting class, 20 percent for rude and discourteous conduct, and 12 percent for smoking. Last year in my own school district of Columbia, South Carolina, 55 percent of all the suspensions in the high schools were imposed for cutting class or excessive tardiness. There is good evidence that students see short-term suspensions as a kind of holiday. Instead of a punishment, the suspensions become, in fact, a reward. If a student doesn't want to come to school, all he has to do is be tardy, cut class, or be truant, and the school system will accommodate him: they will suspend him. Unfortunately, many school systems have not chosen to collect or analyze suspension data in such a way as to determine what offenses most students receive suspensions for, if the suspensions make sense, or even if they are effective in preventing future behavior problems.

We also hear, "Well, we suspend students so we can get the attention of their parents and get them involved." This myth is based on a whole set of mistaken middle-class assumptions. It assumes the parents are available to attend a conference with the administrator and that there will be someone at home to receive the child when he is suspended or to inquire about and monitor his behavior and performance in school. It assumes parents can control the child and the child has only limited options available upon suspension. It also assumes that the child has been successful enough in school so that both the student and the parents see his continued attendance as vital to his future. Finally, it assumes that both the student and the family believe they have or can achieve a meaningful place in the social and economic order and that they value the role of public education as a means to that end.

Most people who know the kind of student who is most often suspended know that these assumptions do not apply. The fact is many of the students who are suspended have not succeeded in school and certainly are not part of the student body power structure, at least not as we think of it. They have little stake in the system, either educationally or socially. While their parents may be deeply committed to public education as a vehicle of upward mobility, it is likely that both parents work–if both parents are in the home. If the student lives with his natural parents, they may be unable to summon the energy or the know-how to effectively monitor every aspect of their children's relationship with the school. These parents usually have jobs which make it difficult, if not impossible, for them to take time off from work to consult with school personnel about their children's problems in school. Many parents, including, I'm sure, many of us, are unable to cope with the daily backlash of adolescents at home, much less to control or influence children while at school. Even though these realities are recognized by teachers and administrators in individual schools, the notion of using suspension to involve parents in students' problems at school is still adhered to by many administrators.

. . . suspension as an effective disciplinary technique is, by and large, a joke.

Finally, we hear, "Well, suspensions *are* effective disciplinary tools, they *do* help control behavior problems." Many school officials defend the continued use of widespread suspensions because they say it is one of the few remaining tools at their disposal to deal with disruptive students. We've already seen, however, that for the overwhelming number of students suspended, it was not an act of overt disruption that led to the suspension. Now, certainly, all of us want and expect a degree of minimal order in our schools, a degree of order that allows the educational process to go on without significant disruption. All of us want safe, secure schools which foster tolerance and respect for the rights of others. It is reasonable, therefore, to expect school officials to use disciplinary techniques which serve these ends and which correct and prevent misbehavior that jeopardizes the rights of others. But does the free use of short-term suspensions achieve this end? In light of the available data, we can only conclude that short-term suspensions do not really prevent or correct most disciplinary problems.

Most principals will tell you their disciplinary problems are caused only by a small percentage of students, usually 5 or 10 percent of the enrollment. If that is true, the suspension data would seem to indicate that these students are being repeatedly suspended. How else can we explain the data from high schools where 20, 30, 40, and even in excess of 50 percent of the enrollment has been suspended during one semester? Because of these high percentages, we must conclude either that some students receive multiple suspensions and that such suspensions represent only punishment instead of an effective effort to correct behavior problems or that large numbers of individual students are being suspended.

If you have not already done so, I suggest that when you return home, you begin to inquire as to whether suspensions in your district are achieving what their proponents claim. Perhaps you will come to agree with many students, with those on the front line who are concerned with discipline, and with those who are concerned about disruption, that suspension as an effective disciplinary technique is, by and large, a joke.

Perhaps the most perplexing question, then, to school officials and to policymakers is, "What is the alternative to out-of-school disciplinary suspension?" In the little time I have remaining, I really cannot respond to that in detail, but let me share with you the results of a recent survey which the South Carolina Education Association, the professional teachers' group, sent out to its key leaders in schools across the state. The survey asked the question, "What have you found to be the most successful techniques for preventing disciplinary problems?" Here is how they responded: 85 percent of the respondents checked consistent application of the rules, 84 percent checked strong administrative leadership, 79 percent checked students' knowledge of and respect for the rights of others, 75 percent checked educators' respect of students, and 61 percent checked educators' ability and interest in recognizing and responding to students' educational and emotional needs.

Those participating in the survey were also asked to identify the most successful techniques they had used in solving the problems that lead to disciplinary offenses and in preventing their occurrence. Among the techniques most frequently named were parent conferences, in-school suspension with counseling, academic work and follow-up components, counseling, denial of extracurricular or other privileges, psychological services, and visiting the student's home. In addition, respondents to the survey were asked to name and describe the practices of educators they personally knew whom they considered to be practitioners of creative discipline. It was amazing how many of the descriptions of the educators contained statements similar to the reasons these educators were effective disciplinarians. Those statements indicated that "the teacher respects students," "the teacher is creative in his or her approach to teaching," "the teacher plans carefully for his class and keeps students involved and active in interesting work," "the teacher is adept at developing appropriate curriculum materials for the students."

I'd like to give you one very specific, concrete example of a positive approach to dealing with problems of a disciplinary nature in school. I'm going to read a paragraph from an in-house report written by a program officer in the Office of Civil Rights after he had conducted an oversight review of a school district with an eye to the possible racially discriminatory effect of its suspension policies. In the process of doing the report, he not only looked at schools where there were problems, but he tried to look at those where there were very, very few suspensions. One of those was a fairly large middle school with a very diverse student enrollment. He refers to the principal of the school at that time, whose name was Ms. Webb, and the assistant principal, whose name was Mr Mills: "Ms. Webb is white and Mr. Mills is black. They think a lot about discipline practices. Once a month they convene a meeting of all disciplinarians in the system to talk over mutual problems. Ms. Webb and Mr. Mills have explained their technique for holding down suspensions. First, they try to anticipate problems even before it is necessary to refer a student to the front office. Second, they investigate the student's home environment and psychological patterns. At this stage the school calls upon the volunteer services of the University of South Carolina Psychology Department to test and interview the student. Through black service organizations, communication is established with the student's neighborhood. If the home is unsettled or broken, volunteers try to bring close relatives into the picture so that the disruptive student can have some sort of family support. Third, the school administration seeks ways to use in-school disciplinary measures such as work details, special assignments, and close teacher supervision. Above all, Mills said, each problem student is viewed as an individual with serious emotional problems. When these are identified, they can be treated, and the students can stay in school."

I would add to this that Ms. Webb was promoted from principal of this middle school to principal of a high school which for many years had some real disruption problems. The suspensions in that school after Ms. Webb became principal dropped by 88 percent from the 1974-1975 school year to the 1975-1976 school year.

There may be room for debate as to whether the most effective and practical alternatives to out-of-school disciplinary suspensions are more effective teachers, better trained teachers and administrators, or some specific programs, but the fact is that alternatives do exist or can be created if there are concerned people who want to use them. The problem is motivating educators as well as students to make the alternatives an effective part of the school management system.

THE ALTERNATIVE SCHOOL: AN APPROACH TO SUSPENSION

DAVID A. PERDUE

In 1973 I found our board of education was spending 40 to 50 percent of its meeting time investigating students who had been suspended, and I realized that here was a group that was busy. So after one meeting, I offered a suggestion to the board to take them off the hook, so to speak, or at least to keep them from having to utilize so much of their valuable time investigating students. I suggested they appoint a student review committee, and they did.

Our student review committee is comprised of the director of personnel services, the visiting teacher or truant officer, the director of instruction, one principal selected on a rotating basis, and the principal of the school from which the student is referred. They investigate, they get all the data, and they observe due process. For years we have required that our principals keep a disciplinary record on each student. They bring this to the committee meeting along with the student's academic record, psychological record, and anything else that is relevant. The committee delves into this and makes written recommendations to the board of education. If a student is to be considered for permanent suspension or expulsion by the board of education, we have our board on notice every Tuesday so we can act immediately upon these cases.

Through this particular committee, we learned that we needed to do something other than put children out of school. So we came up with the idea of an alternative school. The need for alternative schools for suspended students arose out of our discussions with the student review committee and out of thoughts I had had for several years.

All of you legislators know that funds are appropriated at the state level based upon average daily attendance (ADA). In Houston County we were not ignorant of the fact that we were cutting off our nose to spite our face when we suspended a child from school, because we were losing those days in average daily attendance.

Out of approximately 9,000 students from grades seven through twelve during an eight-month period last year, we had a total of 3,094 days spent in our alternative school. Of those days, 987 were senior high school days and 2,107 were junior high school days. Female students spent a total of 1,186 days, male students a total of 1,908 days, and minority students a total of 866 days. Some of the reports and some of the things that have been said here this afternoon about minority students being the ones who spend the most time in suspension do not hold true in Houston County.

In senior high school, the most common reasons for being sent to the alternative school were, in order: skipping school, drug abuse, alcohol, and smoking. The main reasons in junior high school were, again in order: smoking, skipping school, disobedience, and disturbing the class. I think it can be said here that education cannot take place unless there is interaction between teacher and student. I also like the statement that Dr. Rollin made—and I have subscribed to this philosophy all my life—that the principal is the one who sets the tone for the school. And I think I can go a step further. The attitude displayed in a school is not only dependent upon the principal but also upon the superintendent and the board of education.

In Houston County we were not ignorant of the fact that we were cutting off our nose to spite our face when we suspended a child from school.

My philosophy was that there was no need to start an alternative school unless you had the right person to head it. Each time I would begin to think about it, one person would come to mind. He had been a chief master sergeant in the air force, and I had known him since 1946. He retired from the air force five or six years ago, went to college on the GI Bill, and got his master's degree in social studies. When we had a vacancy in our Air Force Junior ROTC program, he became the Junior ROTC instructor.

After about two years he came to me and said, "I want to resign at the end of this year and get into the classroom and start teaching." I said, "How about sitting down with me and discussing a project I am interested in." We discussed for about half a day the proposed alternative school, and he said, "That's what I'd like to do." I wanted somebody for the job who could be mean, but when I say mean, I don't mean abusive to students. I mean firm yet compassionate. Somebody who could communicate with students. This young gentleman can and does.

Now, from the figures I gave you a moment ago, you can see that we have an average daily attendance of approximately twenty students per day in the alternative school in Houston County. To assist the director, we have employed a female teacher's aide because we realized we were taking students away from their home school and there was a possibility of complaints about no female being present.

Let me tell you briefly how the alternative school works in our system. Students who have violated school rules can either do work within the building, spend time as assigned by the principal or assistant principal, or take a three-day suspension. Prior to the establishment of the alternative school, there was no question about what they would do: They would take the three-day vacation. Their parents were not going to be home, and they could do what they wanted. However, because of the alternative school, suspensions have definitely been reduced.

Each day a student is suspended, he reports to his home school and each of his teachers prepares assignments for him. We do not permit students to drive to the alternative school. They must ride the school bus from their home school to the alternative school. Students at the school spend six hours a day in study. They do not carry their own assignments or their own admission slips. In the afternoon, when these students leave the alternative school and go back to their home school, they are given credit for work done at the alternative school, and they are marked present in school. In addition, we gain average daily attendance that goes toward our allotment from the Georgia Department of Education.

When a student is suspended, the principal or assistant principal must notify his parents immediately by telephone of the suspension. After they are notified by telephone, a follow-up letter is sent informing them that their son or daughter has been suspended and assigned to the alternative school. Explicit information is given to the parents and the student as to why the student has been assigned to the alternative school and what is expected of him there. We are in no way inhumane in our alternative school, but we do think it should be a little bit different. And I can tell you that 90 percent of the students who go to the school don't go back a second time. I should point out that, although they are isolated from their friends, they are still considered to be in school so they are not excluded from athletics or other extracurricular activities.

Now where do we go from here, and what have we learned from our alternative school situation? We believe that the alternative school has been a success, although we do not have statistics to prove it at this time. Our principals and teachers feel it is a deterrent to disruptive behavior. Other school systems have apparently heard about what we are doing in Houston County because we are receiving telephone calls from systems throughout Georgia as well as other states requesting information. We do know that this year, the second year of the program, our alternative school attendance is much lower than it was a year ago.

We feel that the alternative school is a service to our school community because a student's class work can be continued. We have provided study carrels at the school so that each student can have a comfortable environment in which to work. We do feel that the school is more successful because it is located in a separate building. Also vital to the success of the school is the quality of assignments sent by the classroom teacher from the home school. In addition, the school must have the cooperation and support of the principals in the system, and it does in our case.

What we would like to do in the future is to make the school a truly alternative learning center. We have made application for a federal grant in which we proposed some things we think would make an alternative school more successful. We'd like to bring in more teachers, more teacher aides, a counselor, and some behavior modification people. We need to do a great deal in the area of behavior modification for our students. We would like to bring in programmed learning packets to aid students in special areas. We want to help these students, and we want to provide them with the best environment we can.

QUESTIONS AND ANSWERS

QUESTION: Does anybody have any idea how many disruptive incidents are a result of school laws that make students go to school who don't want to be there?

ROLLIN: I would suggest that part of the reason students are disruptive is that they don't want to be there. There are some who have suggested that we not require these kids to be in school. A fellow named Ivan Illich, who wrote a book called *Deschooling Society*, suggests that we ought to take a very close look at required education. Of course, as you and I well know, one of the reasons we require kids to be in school has to do with our economic concern for not having more unskilled labor in the labor force. Most of the disruptive kids we have looked at have a history of unsuccessful experiences in school, so they feel there is no reason for them to be there: "I am not learning, it is not fun for me, most of my friends are being suspended also, so I might as well be out with them." So, in effect, a lot of the kids have given up on school and, I'm sorry to say, often the teachers and the principals have given up on those kids.

MIZELL: I would urge us not to get caught up in thinking that we're either going to get rid of compulsory education or we are going to keep compulsory education as we now know it. It is very clear, particularly at the high school level, that a lot of changes need to be made. You can retain compulsory education while allowing some students to spend part of their time in school and the other part working or gaining skills in the community. What we need is a lot more flexibility in our concept of school and compulsory education. I think the schools have a real responsibility for providing new and broader experiences for children of compulsory school age. That process can take many different forms. Our hang-up is that we tend to cling to one form which is highly traditional and structured.

QUESTION: Has the gain in average daily attendance (ADA) resulting from the decrease in out-of-school suspensions been enough to pay for your alternative program?

PERDUE: Yes. As I said a moment ago, the extra twenty average daily attendance is almost enough for another teacher, and along with that teacher come all of the other special allotments.

QUESTION: What do you do with students who continue to be disruptive after they come to the alternative school?

PERDUE: Last year we had cases like that. This is where indefinite suspension comes in in most cases. If the student has not fit in at his home school and then becomes disruptive in the alternative school, he is sent before our student review committee. If they determine he needs help from the mental health clinic or some other professional, they contact the parents and attempt to work out the situation. They may also send the student to another school in the system where we've got youngsters and other people from the community who have come back to finish their high school education. We also have a night course. When a student reaches the age of sixteen and we can't manage him in school, we recommend to the parents that the student find a job and attend night school.

QUESTION: You stated that in your research you found a larger percentage of blacks suspended than whites. Did you find any particular circumstances that led to this?

RESPONSE: No. However, we did find in schools that were desegregated and still had a predominance of one race over the other, that is, either a majority of blacks or a majority of whites, problems of a racial nature were less likely to occur than in schools where the racial ratio was about fifty-fifty. We don't know really why this occurs. Statistically, the only major variable that stood out was that in Florida a black male had a 100 percent better chance of being suspended than a white male.

COLLECTIVE BARGAINING

COLLECTIVE BARGAINING AND THE RIGHT TO STRIKE FOR TEACHERS

MICHAEL Y. NUNNERY

I would like to provide you with an overview of collective bargaining as it relates to teachers. My focus will be on teachers in the public schools. I am going to raise a series of key questions relevant to people in lawmaking positions in Georgia and then try to provide some answers to those questions.

Before I proceed, I want to make it very, very clear that there are two things I am not going to do. First, I'm neither going to advocate nor criticize the union movement. My own personal feelings in this area are very ambivalent. I drew my first union card at age seventeen when I became a member of one of the old railroad brotherhoods. Before I was twenty-one years old, I held membership in three United Auto Workers (UAW) locals and "hit the bricks" in what turned out to be one of the longest strikes in the history of the automobile industry. I did all this with pride, enthusiasm, and a great deal of fervor.

Now after almost thirty years, I am again covered by a collectively bargained contract as a member of the University of Florida faculty. I have to confess that I do not have the enthusiasm for union rules now that I had when I was younger. It's not a moral issue with me. It all depends on whose ox is being gored. I think this time it cost me money. I think earlier it helped me.

What I am trying to say is that I'm for or against unions in terms of my own vested interest. I'm very selfish and very short-sighted. I don't have a vested interest in Georgia, so I'm going to try to be dispassionate about the whole topic. As you know, people can get very passionate about unions.

The second thing I want to make very clear is that I'm not here to offer you unsolicited advice. It would be presumptive of a nonlawyer and an outsider to offer you unsolicited advice on what is primarily a legal issue.

In my view, the basic question that faces the leadership of this state is whether the Georgia legislature should consider a bill which, either through a "meet and confer" procedure or collective bargaining, provides certain rights to public employees, including teachers. Let me offer some arguments in favor of such action and some arguments against it.

One argument in support of legislative action in this area is that teacher unionization is inevitable in Georgia. Briefly, let me describe the situation around the nation. According to a recent U.S. Department of Commerce survey, over 72 percent of the nation's teachers are working under some kind of negotiated agreement. That's more than two million of the somewhat less than three million teachers in the public sector. In addition to that, 36 percent of other public education employees–support personnel, administrators, etc.–are covered by some form of negotiated agreement. I think it goes without saying that unionization in what I will call the "Cotton South"–North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Arkansas–is extremely limited. But outside this tier of states, there is a great deal of union activity. One basic argument I can offer you is it's coming, so you've got to deal with it.

One basic argument I can offer you is it's coming, so you've got to deal with it.

I know some of you may come from small towns, and you may say, "It ain't gonna happen there." Well, that may be true, but I came from a little town up in west Tennessee where everybody knew everybody, and ten years ago the teachers said, "We ain't gonna work 'til we get more money." They didn't call it a strike, they just didn't report to work. Now if it can happen there, it can happen anywhere.

A second basic argument for such legislation is that you need to have a legal framework in this area which is carefully thought out and developed in a time of calm as opposed to a time of crisis. Again, this argument assumes the inevitability of unionization. Right now, according to my statistics, thirty states have some kind of negotiation legislation. That includes twenty-four states with so-called "meet and confer" laws. There is also a legal basis for collective negotiation in eight or ten states in the form of either court decisions or attorney general's opinions.

In the southeastern United States, the only state with a collective bargaining law is Florida. However, in Alabama, Georgia, and North Carolina, as I understand it, the courts have declared unconstitutional laws prohibiting public employees from joining unions. On the other hand, the Georgia Supreme Court has upheld a lower court decision saying that a local board of education could not bargain in the absence of legislation because of the resulting unlawful delegation of authority. In Alabama an attorney general's opinion apparently permits voluntary negotiation in the public sector, and the state superintendent of public instruction has issued an order which permits teachers to engage in this type of negotiation. So the second argument is that you need a legal framework in order to cope with the problems that are bound to arise.

The third argument in favor of such a bill is the moral one. Teachers have a moral right to join a union if they desire, and a legal framework is necessary for their protection. Put another way, teachers have a moral right to maintain their professional prerogatives, and no alternative to collective bargaining has yet been offered which ensures that these professional prerogatives will be protected.

Now let's talk about the other side of the coin. What are some of the arguments against your enacting a public employee collective bargaining law? The first argument I would offer is that teachers do not have a moral right to bargain collectively because they have a monopoly. If you give them this right, then the rights of their clients—the kids—are subordinated to narrow self-interest. Furthermore they, like other employees in the public sector, have been given certain kinds of job benefits that private sector employees have not traditionally obtained without a struggle. For example, retirement benefits were granted much earlier in the public than in the private sector. Tenure is another kind of protection which is not afforded the private sector employee unless enforced by some collective bargaining agreement.

A second kind of argument against your enacting public employee collective bargaining legislation in Georgia is that because of widespread unionization in the public sector, we're going to get federal legislation which will supersede state statutes. In May I would have bought that argument 100 percent. I thought federal legislation would come as soon as the two major teacher organizations could get together on the complexities of the statute. The Wagner Act in the thirties brought some order to the private sector, and I saw a similar federal statute bringing some order to the public sector. But on June 24, 1976, the United States Supreme Court handed down a decision in what is generally known as the *National League of Cities* case. The question in that case was whether or not Congress had the authority to extend the federal Fair Labor Standards Act minimum wage and maximum hour provisions to the employees of states and their subdivisions, including school districts. The Court said that Congress did not have such authority and declared the amendments in question invalid.

The reasoning of the Supreme Court was that such a bill could be valid only if it did not usurp the functions essential to a state's separate and independent existence. So a federal public employee's collective bargaining statute has got to be written that meets the test of permitting the state to maintain a separate and independent existence. I think that will be a very difficult task, so I am not sure that a federal bargaining bill is in the immediate future.

A third argument against Georgia adopting collective bargaining legislation is that it would serve as an incentive to teacher unionization. Why invite teachers to organize and thereby create problems which previously didn't exist? It's better to wait and use some kind of judicial decision as a basic source of protection for teachers' bargaining rights. For example, in Illinois the legal framework for collective bargaining for teachers is a 1966 appellate court decision which said that the city of Chicago did not need legislative authority to negotiate with the teachers of the Chicago School District.*

Assuming a willingness on your part to consider such legislation, what are some of the procedural issues involved? One of the issues revolves around whether the items to be included within the scope of bargaining should be enumerated in the statute. Three approaches have been utilized by states around the country:

1. Some states have left the scope of bargaining wide open. For example, Idaho and Kansas permit bargaining with respect to any mutually agreed upon matter. Vermont allows negotiation concerning anything not in conflict with other statutes. Oklahoma's statute permits discussion of all items affecting performance of professional services. Let me point out that three of those states–Idaho, Kansas, and Vermont–have "meet and confer" laws.

2. Another option is to remove so-called "policy questions" from negotiations. This type of statute generally contains a scope provision that limits bargaining to wages, hours, and other terms and conditions of employment. This is the approach used in Florida. There are, however, different opinions about the phrase "terms and conditions of employment." For example, in some places class size and teacher load are bargainable, while in other places they are not. A middle-of-the-road approach is apparent in Indiana and Montana. In addition to using the phrase "wages, hours, and other terms and conditions of employment," those two states have added a listing of management prerogatives that are not subject to negotiation.

3. Still another approach would be to specifically enumerate areas subject to negotiation. Nevada last year passed a law listing sixteen items that were bargainable, including such things as hours, leave, money, checkoff, force reduction procedures, and teacher preparation time. The idea that the legislature, as representative of all the people, will ensure by specifying that there is uniformity within the state consistent with its wishes supports the specific enumeration approach. Opposing it is the notion that such details are better left to people closer to the scene, i.e., the parties to the bargaining or an administrative agency created by the statute. This happens to be the situation in Florida. Our scope provision covers wages, hours, and other conditions of work, and we have an administrative agency called the Public Employees Relations Commission to determine what items fall within the meaning of the phrase.

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*Ed. note. See *Harper College Faculty Senate v. Board of Trustees of Junior College District No. 512,* Case No. 76-662, Illinois Court of Appeals, Fourth Division, Aug. 4, 1977. Citing the Public Community College Act, the court held that the board's statutory duty to set employment policy and fix compensation could not be delegated through participation in the collective bargaining process.

A second procedural question concerns whether binding arbitration should be established as the final step in an impasse situation. "Binding arbitration" essentially means bringing in a neutral third party and having that neutral third party study the situation, take testimony, hold hearings, and finally render a decision which is binding. By "impasse," I mean an inability to reach agreement about such things as recognition, bargainable items, or settlement of grievances.

Of the states with some kind of legislation, practically all of them provide for third-party intervention. Generally speaking, they provide first for mediation. I call that the "marriage-counselor approach." You get somebody running between the two parties to try to get both of them together. In addition, about half the states provide for fact finding. In fact finding you bring in a neutral third party who operates much as an arbitrator would, but his decision is only a recommendation. The final power rests with some other agency, generally a board of education. About half the states with public collective bargaining laws provide for binding arbitration under some conditions. For example, in Florida we have binding arbitration with respect to the settlement of grievances. Maine permits binding arbitration except in cases involving salaries, pensions, or insurance. Nevada and Wisconsin permit it if both parties agree to it.

The basic argument for binding arbitration as a final step in an impasse is that it is necessary to provide equality at the bargaining table, particularly if you do not permit public employees, including teachers, to strike. The basic argument against it is that it usurps the power of the state as embodied in the legislature and delegated to the school board. In other words, when you have binding arbitration, a third party can render a decision which is binding on a school board. In at least two states where this issue has been raised—Rhode Island and Maine—the legality of binding arbitration has been upheld.

Should the Georgia legislature recognize the right of teachers to strike? Most state statutes either expressly prohibit strikes or are silent on the issue. In my state they are expressly prohibited, as they are in Georgia and under the new California statute. In only five states is there any legal foundation for the right of teachers to strike. In four of them—Alaska, Hawaii, Oregon, and Pennsylvania—the right to strike is limited, that is, it can be exercised only when other impasse procedures have been exhausted; a specified time period has passed; and there is no danger to public health, safety, or welfare. Vermont achieves the same goal by forbidding injunctions against unions or school boards unless there is a danger.

Let me speak in favor of the right to strike for a moment. It is a clean alternative for teachers. It's a whole lot cleaner than the sanctions alternative that was promoted in an earlier era. When teachers strike, they lose pay and this puts pressure on them to return to the table and be reasonable. You can also argue for the right to strike because it is the only way to provide true parity at the table.

Let me make a point about parity. If you provide the right to strike but still have on the books a minimal 180-day school year, and you do not permit local school districts to draw state funds unless they have 180 days of schooling, you do not provide management with their counterbalance to the strike. What you in effect do is simply defer those 180 days to a later time, and teachers eventually end up drawing their pay. On the other hand, if you take that 180-day school minimum off the books and permit the school year to be reduced according to the time the teachers are on strike, some people would argue that the kids suffer. So there is a dilemma here, but it illustrates some of the difficulties that arise in trying to provide true parity.

A third major prostrike argument is that strikes are inevitable. You might as well regulate them and make them clean because they're going to happen. There have been over 100 work stoppages each year since the 1967-1968 school year. In other words, each year for over a decade, there have been more than 100 work stoppages involving teachers. Last year there were 203. When I was preparing for this presentation, I happened to hear on the radio that there were over 200,000 teachers out on strike at that time. So you can argue that it's like drinking. It can't be legislated away, so why don't we go ahead and legalize it.

If you do decide to deal with this issue and still prohibit the right to strike, I think you might want to look at a U.S. Supreme Court case decided in June 1976 involving the Hortonville, Wisconsin school district. In that case, the Supreme Court said that in dismissing striking teachers the school board did not have to involve a neutral third party to ensure procedural due process. That seems to me to strengthen the hands of school boards in dealing with strike matters.

A fourth kind of procedural question revolves around the adoption of an "agency shop" or "fair share" provision. This means an employee who chooses not to join the union is still required, as a condition of employment, to pay specified amounts to the union on a regular basis. In other words, an employee has the option of refusing to join the union but not the option of withholding financial support.

There is a legal foundation in only four states for requiring all members of a public employee bargaining unit to pay their share of the cost of acquiring benefits. There are no "closed-shop" states with respect to public employment. In a closed shop, all employees must become union members.

In Hawaii, Minnesota, and Pennsylvania, "service fees" may be collected from nonunion members of a bargaining unit, and in 1972 the Rhode Island Supreme Court upheld an arbitrator's decision to include an agency shop provision in a union contract. However, courts in Michigan and New York have struck down agency shop agreements, and the U.S. Supreme Court has called agency shop requirements a "practical equivalent of union membership."

The main argument in favor of the agency shop is tied to the notion of fairness. Unions obtain benefits for all, so they should receive financial support from all. Those who oppose the agency shop feel it curtails individual rights and limits the right to work.

A fifth procedural dilemma concerns providing collective bargaining rights to principals, assistant principals, supervisors, and other middle-level administrators. Many state statutes simply extend collective bargaining rights to all professional employees, and this is often interpreted to include administrators. In Florida, however, "managerial employees" are specifically prohibited from bargaining collectively as are principals, instructional supervisors, and administrative assistants.

A recent report indicated that there were approximately 1,100 bargaining agreements covering administrators in effect around the country. Ninety percent of those agreements were in districts located in Connecticut, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Ohio, and Washington. In addition, an AFL-CIO charter was granted in July 1976 to the American Federation of School Administrators, which reported fifty-four locals and 10,000 members in the eight states mentioned.

Supporters of collective bargaining for administrators argue that it is the only way to ensure administrators' benefits will keep pace with those obtained by teachers. Opponents of the concept feel it will split and weaken the management team.

Other possible procedural problems which may confront you in dealing with collective bargaining in public education are whether to permit dues checkoff and whether to broaden your legislation to include all public employees.

TEACHERS' BARGAINING RIGHTS IN GEORGIA

MATT SHADE

We cannot stick our heads in the sand on the issue of public employee collective bargaining and hope that it will go away. The unions have been stalled in the private sector, but the public employee area is wide open to them. The National Education Association (NEA) now has approximately a million and a half members. The issue is here. It was here yesterday, and it's going to be here tomorrow. It's not something that we can just forget about.

What is the status of Georgia law concerning public employee collective bargaining? In Georgia public employees can join labor organizations. There was a Georgia statute that prohibited policemen from joining such organizations, but it has been declared unconstitutional. Public employees may also pay dues to labor organizations and ask those organizations to represent them in matters relating to wages, hours, and working conditions. In addition, representatives of labor organizations may discuss such matters and make requests of management or local school boards on behalf of their members. However, management or local school boards do not have to open the door, answer the phone, or talk to them. That is the status of the law in Georgia, except with respect to fire fighters, whom I will discuss later.

The leading case in Georgia in the area of collective bargaining for public employees is *Chatham County Association of Educators v. Board of Public Education.* In that case the union received a majority of votes in a 1971 election sanctioned by the Savannah Board of Education. In January 1972, the union and the board of education entered into a master contract. In February 1973, the union filed suit against the board for failure to abide by the contract. The union also asserted that the board had agreed by resolution to allow its budget to be amended so that the union could allocate certain sums of money as increased benefits among teachers in the school system. The trial court stated:

> State law places with local Boards of Education full authority to hire and determine the conditions of employment of teachers in local school systems, subject only to certain rights reserved to the State Board of Education.
>
> The law does not permit the local Board of Education to transfer to or share control of such matters with other

> parties, including third party organizations representing school teachers, by means of contracts or otherwise.
>
> Any such agreement constitutes an unlawful transfer of authority and is not permitted by State law.
>
> Without specific legislative authorization, a school board has no authority by contract, or collective bargaining, or by any other means, to limit, or dilute, or transfer to others, the statutory duties placed in such Board by State law.

The court thus declared the master contract void. It then looked at the resolution the board of education had adopted and found that the resolution exceeded the law. The board, said the court, did not have the power to delegate to another party authority to determine how public moneys should be spent for teacher benefits. Included in the lower court's decision, which was affirmed by the Georgia Supreme Court, is the following:

> Nothing in this order shall be construed to prohibit the public school teachers from forming an association for the purpose of discussing teacher benefits on a collective basis.
>
> Further, nothing in this order should be construed as requiring the Board of Education to discuss such teacher benefits with such an association.
>
> However, if such discussions do take place and as a result thereof the Board takes action . . . such action of the Board is not rendered invalid . . . .

What this case does in the area of collective bargaining is to eliminate, without specific legislative authority, the collective bargaining process.

An example of legislation which gives specific legislative authorization to engage in bargaining and to enter into a contract with a labor organization is the Fire Fighters' Mediation Act of 1971, which reads:

> The protection of the public health, safety and welfare demands that the permanent members of any paid fire department of a municipality should not be accorded the right to strike or engage in any work stoppage or slowdown. This necessary prohibition, however, shall not prohibit such municipal employees from being represented by a labor organization of their choice, and from bargaining collectively concerning wages, rates of pay and other terms and conditions of employment.

The act creates a method of mediation and states that:

> This method shall not, however, in any way be deemed to be a recognition by the State of compulsory mediation or arbitration as a superior method of settling labor disputes between employees who possess the right to strike and their employers, but rather shall be deemed to be a recognition solely of the necessity to provide some alternative mode of

> settling disputes where employees are, as a matter of public policy, denied the right to strike.

The act then provides that the decision of the mediators is not binding on any of the parties and does not require that a contract be signed.

"Meet and confer" allows you to enter into a contract but does not require it. Collective bargaining requires that a written agreement be entered into if either party so requests. The National Labor Relations Act, which specifically excludes states and municipalities, defines "duty to bargain" as:

> . . . the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached, if requested by either party . . . .

The concept of entering into the written agreement is one of the primary differences between collective bargaining and the "meet and confer" process. Another essential difference is that collective bargaining required bilateral decisionmaking, whereas the "meet and confer" approach permits the legislature and those to whom it delegates authority to retain the right to make the final decisions. The process, however, still gives public employees some voice in the formulation of policy and employment decisions which they would not otherwise have.

Anyone can go out on strike–anyone. It doesn't matter whether there is a law permitting it or prohibiting it.

As to the right to strike, I'll give you a few figures from the Bureau of Labor Statistics. In 1955 national public employee union membership totaled nearly a million. Strikes that year cost the nation 7,000 workdays. By 1973 public employee membership in labor unions had increased to 2.5 million, and lost time amounted to 2.3 million workdays. Recently, in Atlanta, the executive director of the National Education Association stated that "collective bargaining does not force strikes." However, he went on to say that in 1,700 school districts throughout the country his association had been unable to reach a contract with the local board. Fifty strikes had already taken place, and he anticipated 200 within the relatively near future.

What about the public employee's right to strike in Georgia? The law in Georgia states that "No person holding a position . . . in the

Government of the State of Georgia or any agency, authority, board, commission, or public institution thereof shall promote, encourage or participate in any strike." Any state employee who violates that law is deemed to have terminated his employment. In another code section dealing with the termination of teachers' contracts, the code lists certain grounds for termination which include, among others, neglect of duty, insubordination, or "any other good or sufficient cause." The termination section does not specifically mention strikes, but participating in a strike in violation of the law could be viewed as providing grounds for dismissal under the section's general provisions.

I believe teachers can be suspended or terminated if they go out on strike. There are no federal or state statutes prohibiting this or protecting the right to strike. From a practical point of view, however, eliminating the right to strike is somewhat of a problem. Anyone can go out on strike–anyone. It doesn't matter whether there is a law permitting it or prohibiting it. Going out on strike is merely not going to work. You must take a close look at what you may be giving up under the guise of receiving a no-strike promise. If legislation is passed which permits collective bargaining and requires the signing of a contract by the government entity with the *quid pro quo* being a no-strike clause, you may be giving up more than you are receiving. Any legislation in this area must be carefully considered and constantly monitored.

CALIFORNIA'S NEW COLLECTIVE BARGAINING LAW FOR TEACHERS

GERALD C. HAYWARD

I'd like to cover the basic features of the Rodda Act, California's new collective bargaining law for teachers, which replaces an old law requiring teachers and school administrators to "meet and confer."

First, the act establishes a three-member Educational Employment Relations Board. If there's anything I would strongly advise you to consider in your deliberations on this very delicate issue, it would be the creation of some kind of oversight board. I think a board can resolve a great number of difficulties before they reach the courts. Without a board, the courts must make these decisions on a case-by-case basis.

Second, the act limits the items subject to collective bargaining to wages, hours, and specified working conditions, such as class size. All other items are solely within the purview of the local school district governing board. This is a crucial part of the bill because local boards only have to collectively bargain with respect to these specific items. The teacher organizations, I'm sure, will try very hard to get the scope of bargaining expanded.

The third feature is exclusive representation. Instead of a separate council which represents various teacher organizations proportionately, the majority teacher organization in each school will exclusively represent all the teachers in that school.

Fourth, and also of importance, is a negotiating duty imposed on both parties–management and teacher organizations–requiring them to enter into a written agreement. There was no controversy in California concerning that requirement. Both parties felt it was good policy to have their agreement written down so that there would be no misunderstanding about what, in fact, had been resolved and agreed to.

Fifth, the new law provides for mediation and fact finding but not binding arbitration. Therefore, this act has a better and more detailed impasse procedure than the prior act, although binding arbitration is still not included. The new act contains the same language prohibiting strikes by teachers as the old Winton Act. No penalty is set forth in the new law for going on strike, but under the dismissal act in California striking would be reason for termination.

Finally, the Rodda Act permits a negotiated agency shop. That's not something abnormal in these procedures. However, to my knowledge, no school board in California has agreed to an agency shop.

If there's anything I would strongly advise you to consider . . . it would be the creation of some kind of oversight board.

Although it is very early to have any feeling about whether or not this law is going to work, we think the initial support from the major state education organizations started the law off in a positive way. All the groups involved have agreed not to amend the bill for a couple of years in order to see how well it works.

To sum up, we're fairly optimistic that the new California law will work better than the old one for two reasons. One reason is that it removes key decisions from the judiciary and gives them to an administrative unit which can respond more quickly. Secondly, it provides a degree of certainty and uniformity in the interpretation of the law as it relates to collective bargaining.

QUESTIONS AND ANSWERS

QUESTION: We have a provision in our state constitution that requires us to balance our budget. We can't, like the federal government, spend more than we take in. What happens when teachers begin negotiating with local administrators for more money than the state can pay?

NUNNERY: That is not an uncommon constitutional provision. We have a similar one in Florida. I would simply say that provisions of this type become a constraint on both parties at the bargaining table. Of course, there's a great deal of debate not only as to how the available funds are handled, but also as to who's hiding what where.

I hear rumblings that the best thing to do on the big items like wages, because of the kind of constraint you identify, is to go directly to the legislature, since it's got the taxing power.

HAYWARD: In California we have the same kind of constraint. The local school district governing boards can't possibly go against the California Constitution, i.e., go beyond what they're authorized to spend. However, it does put pressure on the local board, and in turn on the legislature, to increase the slice of the pie that goes for teacher salaries and benefits. I think in that respect it will cause school expenditures to go up faster than they would without collective bargaining.

QUESTION: We have a salary index schedule that determines the salary the state pays teachers. We also have local supplements each district may pay. In your states, are both subject to negotiation?

HAYWARD: In California we've gone to a different kind of financial formula, but in states where you have an index schedule, what you are arguing about is the so-called local supplement, because the legislative amount is already set. In California there is a state minimum salary, but it is so low that everybody exceeds it. It's really totally a matter of local discretion.

LIPSCOMB*: In Alabama we have a minimum salary and, like Georgia, most of our money comes from the state. As far as salaries are concerned, we negotiate with the legislature each year as to the amount of money to be made available. That does not mean local boards cannot

*Ed. note. Robert R. Lipscomb, member, Executive Committee, National Education Association. Due to a mechanical failure in the recording machinery utilized by the conference center, Mr. Lipscomb's presentation on teachers' bargaining rights in Alabama could not be included.

increase that amount. Some districts don't provide any local funds for teachers' salaries, while others provide a small increment.

QUESTION: What do you do about the "end run" situation where the state teachers' organization goes to the legislature for more money, while the local boards are attempting to negotiate with their teachers?

HAYWARD: I think California's a perfect example of exactly that process. Teacher groups don't consider it an "end run"; they consider it a more direct approach. They feel they might as well get the money at the source rather than wait and let it go through other hands. What has happened in California with the passage of the collective bargaining statute, however, is that the legislature has said, "Don't come to us for any more special legislation." And so far this year they haven't. I can't predict how long that's going to last, but one of the understandings the legislature had with the teachers concerning collective bargaining was that these issues would be decided at the local district governing board level if the bargaining bill passed.

NUNNERY: Teacher groups in Florida do not consider going to the legislature an "end run." They argue for as much money as they feel can be justified. The negotiating comes in with respect to the allocation of money once it gets back home. That's what sets the parameters for bargaining.

LIPSCOMB: In Alabama we've had to go to the legislature to get the raises that come to local boards for teachers' salaries. We've also had to get legislation that requires local boards to pay out that amount. We try to make sure that money is earmarked before it gets to the local level because we do not have bargaining rights.

QUESTION: How are members of California's new Education Employment Relations Board selected?

HAYWARD: The three members of the Education Employment Relations Board are appointed by the governor with the consent of two-thirds of the senate. The three appointees were approved by the senate unanimously and have the endorsement of the school board, the administration, and both major teacher groups. Everyone was looking very carefully for a balanced board so the consensus as to the new legislation could be continued.

QUESTION: Is there any substantial difference between the procedures in states with "meet and confer" laws and what we do in Georgia?

SHADE: Except for fire fighters, we don't have a statute in Georgia. In states with statutes, you are required to "meet and confer." In Georgia, you don't have to. However, "meet and confer" is permitted in Georgia, and it takes place. Several states also specify the items that are subject to negotiation. In addition, some states require fact finding, which we don't have here.

NUNNERY: In actual practice, you wouldn't know whether some states had a collective bargaining law or a "meet and confer" law. But, at the bottom line, under "meet and confer" legislation, the final authority rests with the legally constituted board. Decisions are unilateral, not bilateral. And so, really, the teachers are bargaining at the sufferance of the board. It works only if the board plays the game.

LIPSCOMB: I personally think that "meet and confer" is simply a step toward collective bargaining. You will find here in Georgia, as they did in California, that "meet and confer" is not adequate because of some of the things just mentioned.

QUESTION: Do we need to make any statutory changes in the next session of the Georgia General Assembly to help clarify the current situation?

SHADE: I think the strike area should be dealt with. Do you want to permit a limited form of strike, prohibit strikes totally, or do something else? Then you should decide whether or not you want to endorse "meet and confer" or collective bargaining. I think if you let things go, you will be running into trouble. It gives you more control if you can draft legislation now and set up some guidelines because I do think problems are going to arise.

QUESTION: Do you think that public employees have a moral right to strike?

SHADE: This is an important issue in the public employee area. In the private arena, when employees go out on strike, they are striking against the employer, putting financial pressure on him. If public employees strike against the school board, however, who is being hurt? Not the school board, not the legislature, but the children involved. Let me reiterate that anybody can strike. But if you have certain penalties for striking, I think they should be in the statute.

QUESTION: Would you please tell us more about the Savannah case that involved collective bargaining between teachers and the local school board?

SHADE: The court in that case *(Chatham Association of Educators v. Board of Public Education)* held that the contract between the teachers and the board was void because it delegated authority to the union. It did open the door, though, for the school board to sit down with a representative of the employees to listen to their requests, and then if it wished, to implement them. But the board is under no duty to do so.

I don't think that you necessarily have to go to collective bargaining merely because you adopt "meet and confer." I think "meet and confer" can be retained. Basically we have that right now. The only difference is that there is no duty imposed, but in many instances, various entities in the state are already meeting with unions.

QUESTION: Would you consider yourself pro- or antiunion?

HAYWARD: As a staff member of the California Legislature, I see myself as trying to create an appropriate balance in the area of school law, which I happen to work with quite a bit. We have attempted in California to write a consensus collective bargaining bill which pleased both management and labor. I think we have succeeded so far.

NUNNERY: I try to avoid answering that question on a moral basis. I accept teacher unionism as a reality. I think people in the administration of schools–and that's basically my business, training school managers–better understand it as a reality and be able to deal with it. It's on this basis that I think we've got to come to terms with it.

LIPSCOMB: As a member of a professional organization at three levels, I'm obviously in favor of professional organizations. Such organizations are more and more being referred to as unions. I happen to also believe strongly in labor unions for those people who work at jobs covered by them.

SHADE: I've been with the government and I have, on occasion, represented unions, but primarily I work in the management area. I would say that I am promanagement rather than antiunion. I think most of my statements made here today were biased toward the management side.